

AMENDED IN SENATE APRIL 13, 2016

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 1046

Introduced by Senator Hill

**(Coauthors: Senators Anderson, Bates, Block, Cannella, Roth, and
Vidak)**

(Coauthors: Assembly Members Baker, Bonilla, Chávez, Cooley,
Eduardo Garcia, Lackey, Levine, Lopez, Maienschein, Rodriguez,
and Waldron)

February 12, 2016

An act to amend Sections 9807 and 9882.14 of the Business and Professions Code, and to amend Sections 13386 and 23103.5 of, to amend, repeal, and add Sections 13352, 13352.4, 13353.3, 13353.4, 13353.5, 23247, 23573, 23575, 23576, and 23597 of, and to add Sections 13353.6, 13353.75, 23575.3, and 23575.5 to, the Vehicle Code, relating to ignition interlock devices.

LEGISLATIVE COUNSEL'S DIGEST

SB 1046, as amended, Hill. Driving under the influence: ignition interlock device.

Existing law requires the Department of Motor Vehicles to immediately suspend a person's privilege to operate a motor vehicle for a specified period of time if the person has driven a motor vehicle when the person had a certain blood-alcohol concentration. Existing law authorizes certain individuals, whose privilege is suspended pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation.

Existing law also requires the department to immediately suspend or revoke a person's privilege to operate a motor vehicle if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle under the influence of an alcoholic beverage or drug or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood or while addicted to the use of any drug, with or without bodily injury to another. Existing law authorizes certain individuals whose privilege is suspended or revoked pursuant to that provision to receive a restricted driver's license if specified requirements are met, including the completion of specified periods of license suspension or revocation and, in some instances, the installation of an ignition interlock device on the person's vehicle. Existing law does not permit a person who has been convicted of a first offense of driving a motor vehicle under the influence, with injury, to receive a restricted driver's license.

Existing law also requires the Department of Motor Vehicles to establish a pilot program from July 1, 2010, to July 1, 2017, inclusive, in the Counties of Alameda, Los Angeles, Sacramento, and Tulare that requires, as a condition of being issued a restricted driver's license, being reissued a driver's license, or having the privilege to operate a motor vehicle reinstated subsequent to a conviction for any violation of the above offenses, a person to install for a specified period of time an ignition interlock device on all vehicles he or she owns or operates. The amount of time the ignition interlock device is required to be installed is based upon the number of convictions, as prescribed.

Effective July 1, 2017, the bill would make an individual whose license has been suspended for driving a motor vehicle when he or she has a certain blood-alcohol concentration and who is eligible for a restricted driver's license eligible for a restricted driver's license without serving any period of the suspension if the person meets all other eligibility requirements and the person installs an ignition interlock device. The bill would authorize that individual to install an ignition interlock device prior to the effective date of the ~~suspension~~. *suspension and would require the individual to receive credit towards the mandatory term to install an ignition interlock device, as specified.* The bill would require the department to immediately reinstate the suspension of the privilege to operate a motor vehicle upon receipt of notification that a person has engaged in certain activities, including, among others, attempted to remove, bypass, or tamper with the ignition interlock device.

The bill would also require a person who has been convicted of driving a motor vehicle under the influence of an alcoholic beverage, as specified, to install an ignition interlock device on all vehicles that he or she owns or operates for a specified period of time. The bill would also authorize a person convicted of driving a motor vehicle under the influence, including a person who was convicted of a first offense of driving a motor vehicle under the influence, with injury, if all other requirements are satisfied, including the installation of an ignition interlock device, to apply for a restricted driver's license without completing a period of license suspension or revocation. *The bill would require the department to, if a person maintains an ignition interlock device for the specified required time, reinstate the person's privilege to operate a motor vehicle at the time the other reinstatement requirements are satisfied.* The bill would authorize a court to require a person convicted of a specified type of reckless driving to install a certified ignition interlock device on any vehicle that the person owns or operates and prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device for a specified period of time. The bill would require the Department of Motor Vehicles to issue a report to the Legislature by June 1, 2021, regarding the implementation and efficacy of these provisions.

The bill would also make conforming and clarifying changes.

By specifying that certain crimes relating to ignition interlock devices apply when an ignition interlock device is installed pursuant to the provisions of this bill, this bill would impose a state-mandated local program.

Existing law establishes the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation under the supervision and control of the Director of Consumer Affairs and requires the director to administer and enforce provisions relating to the registration of electronic and appliance repair service dealers. Existing law authorizes the director to deny, suspend, revoke, or place on probation the registration of a service dealer for any of certain acts, as specified. Existing law authorizes a service dealer licensed under these provisions to install, calibrate, service, maintain, and monitor ignition interlock devices. A violation of these provisions is punishable as a misdemeanor.

Existing law, the Automotive Repair Act, establishes the Bureau of Automotive Repair under the supervision and control of the Director

of Consumer Affairs and provides for the registration and regulation of automotive repair dealers. Existing law requires the bureau to adopt standards for installation, maintenance, and servicing of ignition interlock devices by automotive repair dealers, and existing regulations authorizes automotive repair dealers to install, maintain, and service an ignition interlock device. Existing law authorizes the director to deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for certain acts, as specified. A violation of the act is a crime.

This bill would authorize the director to suspend, revoke, or place on probation the registration of an automotive repair dealer or service dealer who installs, calibrates, services, maintains, or monitors ignition interlock devices if the automotive repair dealer or service dealer is not in compliance with specified provisions relating to payment for the costs of an ignition interlock device and would require an automotive repair dealer or service dealer to provide that information to an individual receiving ignition interlock device services. By expanding the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 9807 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 9807. (a) Notwithstanding any other law, a service dealer
- 4 licensed under this chapter and authorized to engage in the
- 5 electronic repair industry, as defined in subdivision (p) of Section
- 6 9801, may install, calibrate, service, maintain, and monitor ignition
- 7 interlock devices.
- 8 (b) (1) *The director may suspend, revoke, or place on probation*
- 9 *the registration of a service dealer who installs, calibrates,*
- 10 *services, maintains, or monitors ignition interlock devices if the*

1 *service dealer is not in compliance with subdivision (k) of Section*
2 *23575.3 of the Vehicle Code.*

3 *(2) A service dealer shall provide to an individual receiving*
4 *ignition interlock device services the information provided in*
5 *subdivision (k) of Section 23575.3 of the Vehicle Code along with*
6 *the contact phone number of the bureau.*

7 ~~(b)~~

8 *(c) The bureau shall adopt regulations to implement this section*
9 *consistent with the standards adopted by the Bureau of Automotive*
10 *Repair and the Office of Traffic Safety under Section 9882.14.*

11 *SEC. 2. Section 9882.14 of the Business and Professions Code*
12 *is amended to read:*

13 9882.14. (a) The bureau shall cooperate with the Office of
14 Traffic Safety and adopt standards for the installation, maintenance,
15 and servicing of ignition interlock devices by automotive repair
16 dealers.

17 (b) The manufacturers of ignition interlock devices shall comply
18 with standards established by the bureau for the installation of
19 those ignition interlock devices.

20 (c) The bureau may charge manufacturers of certified interlock
21 ignition devices a fee to recover the cost of monitoring installation
22 standards.

23 *(d) (1) The director may suspend or revoke the registration of*
24 *an automotive repair dealer who installs, maintains, and services*
25 *ignition interlock devices if the automotive repair dealer is not in*
26 *compliance with subdivision (k) of Section 23575.3 of the Vehicle*
27 *Code.*

28 *(2) An automotive repair dealer shall provide to an individual*
29 *receiving ignition interlock device services the information*
30 *provided in subdivision (k) of Section 23575.3 of the Vehicle Code*
31 *along with the contact phone number of the bureau.*

32 **SECTION 1.**

33 *SEC. 3. Section 13352 of the Vehicle Code is amended to read:*

34 13352. (a) The department shall immediately suspend or
35 revoke the privilege of a person to operate a motor vehicle upon
36 the receipt of an abstract of the record of a court showing that the
37 person has been convicted of a violation of Section 23152 or 23153,
38 subdivision (a) of Section 23109, or Section 23109.1, or upon the
39 receipt of a report of a judge of the juvenile court, a juvenile traffic
40 hearing officer, or a referee of a juvenile court showing that the

1 person has been found to have committed a violation of Section
2 23152 or 23153, subdivision (a) of Section 23109, or Section
3 23109.1. If an offense specified in this section occurs in a vehicle
4 defined in Section 15210, the suspension or revocation specified
5 in this subdivision also applies to the noncommercial driving
6 privilege. The commercial driving privilege shall be disqualified
7 as specified in Sections 15300 to 15302, inclusive. For the purposes
8 of this section, suspension or revocation shall be as follows:

9 (1) Except as required under Section 13352.1 or 13352.4, upon
10 a conviction or finding of a violation of Section 23152 punishable
11 under Section 23536, the privilege shall be suspended for a period
12 of six months. The privilege shall not be reinstated until the person
13 gives proof of financial responsibility and gives proof satisfactory
14 to the department of successful completion of a
15 driving-under-the-influence program licensed pursuant to Section
16 11836 of the Health and Safety Code described in subdivision (b)
17 of Section 23538 of this code. If the court, as authorized under
18 paragraph (3) of subdivision (b) of Section 23646, elects to order
19 a person to enroll in, participate in, and complete either program
20 described in subdivision (b) of Section 23542, the department shall
21 require that program in lieu of the program described in subdivision
22 (b) of Section 23538. For the purposes of this paragraph, enrollment
23 in, participation in, and completion of an approved program shall
24 occur subsequent to the date of the current violation. Credit shall
25 not be given to any program activities completed prior to the date
26 of the current violation.

27 (2) Upon a conviction or finding of a violation of Section 23153
28 punishable under Section 23554, the privilege shall be suspended
29 for a period of one year. The privilege shall not be reinstated until
30 the person gives proof of financial responsibility and gives proof
31 satisfactory to the department of successful completion of a
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code as described in subdivision
34 (b) of Section 23556 of this code. If the court, as authorized under
35 paragraph (3) of subdivision (b) of Section 23646, elects to order
36 a person to enroll in, participate in, and complete either program
37 described in subdivision (b) of Section 23542, the department shall
38 require that program in lieu of the program described in Section
39 23556. For the purposes of this paragraph, enrollment,
40 participation, and completion of an approved program shall occur

1 subsequent to the date of the current violation. Credit shall not be
2 given to any program activities completed prior to the date of the
3 current violation.

4 (3) Except as provided in Section 13352.5, upon a conviction
5 or finding of a violation of Section 23152 punishable under Section
6 23540, the privilege shall be suspended for two years. The privilege
7 shall not be reinstated until the person gives proof of financial
8 responsibility and gives proof satisfactory to the department of
9 successful completion of a driving-under-the-influence program
10 licensed pursuant to Section 11836 of the Health and Safety Code
11 as described in subdivision (b) of Section 23542 of this code. For
12 the purposes of this paragraph, enrollment in, participation in, and
13 completion of an approved program shall be subsequent to the date
14 of the current violation. Credit shall not be given to any program
15 activities completed prior to the date of the current violation. The
16 department shall advise the person that he or she may apply to the
17 department for a restriction of the driving privilege if the person
18 meets all of the following requirements:

19 (A) Completion of 12 months of the suspension period, or
20 completion of 90 days of the suspension period if the underlying
21 conviction did not include the use of drugs as defined in Section
22 312 and the person was found to be only under the influence of an
23 alcoholic beverage at the time of the violation.

24 (B) The person satisfactorily provides, subsequent to the
25 violation date of the current underlying conviction, either of the
26 following:

27 (i) Proof of enrollment in an 18-month
28 driving-under-the-influence program licensed pursuant to Section
29 11836 of the Health and Safety Code if a 30-month program is
30 unavailable in the person's county of residence or employment.

31 (ii) Proof of enrollment in a 30-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code, if available in the county of
34 the person's residence or employment.

35 (C) The person agrees, as a condition of the restriction, to
36 continue satisfactory participation in the program described in
37 subparagraph (B).

38 (D) The person submits the "Verification of Installation" form
39 described in paragraph (2) of subdivision (g) of Section 13386.

1 (E) The person agrees to maintain the ignition interlock device
2 as required under subdivision (g) of Section 23575.

3 (F) The person provides proof of financial responsibility, as
4 defined in Section 16430.

5 (G) The person pays all reissue fees and any restriction fee
6 required by the department.

7 (H) The person pays to the department a fee sufficient to cover
8 the costs of administration of this paragraph, as determined by the
9 department.

10 (I) The restriction shall remain in effect for the period required
11 in subdivision (f) of Section 23575.

12 (4) Except as provided in this paragraph, upon a conviction or
13 finding of a violation of Section 23153 punishable under Section
14 23560, the privilege shall be revoked for a period of three years.
15 The privilege may not be reinstated until the person gives proof
16 of financial responsibility, and the person gives proof satisfactory
17 to the department of successful completion of a
18 driving-under-the-influence program licensed pursuant to Section
19 11836 of the Health and Safety Code, as described in paragraph
20 (4) of subdivision (b) of Section 23562 of this code. For the
21 purposes of this paragraph, enrollment in, participation in, and
22 completion of an approved program shall occur subsequent to the
23 date of the current violation. Credit shall not be given to any
24 program activities completed prior to the date of the current
25 violation. The department shall advise the person that after the
26 completion of 12 months of the revocation period, which may
27 include credit for a suspension period served under subdivision
28 (c) of Section 13353.3, he or she may apply to the department for
29 a restricted driver's license if the person meets all of the following
30 requirements:

31 (A) The person satisfactorily provides, subsequent to the
32 violation date of the current underlying conviction, either of the
33 following:

34 (i) The initial 12 months of an 18-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code if a 30-month program is
37 unavailable in the person's county of residence or employment.

38 (ii) The initial 12 months of a 30-month
39 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code, if available in the county of
2 the person's residence or employment.

3 (B) The person agrees, as a condition of the restriction, to
4 continue satisfactory participation in the program described in
5 subparagraph (A).

6 (C) The person submits the "Verification of Installation" form
7 described in paragraph (2) of subdivision (g) of Section 13386.

8 (D) The person agrees to maintain the ignition interlock device
9 as required under subdivision (g) of Section 23575.

10 (E) The person provides proof of financial responsibility, as
11 defined in Section 16430.

12 (F) The person pays all applicable reinstatement or reissue fees
13 and any restriction fee required by the department.

14 (G) The restriction shall remain in effect for the period required
15 in subdivision (f) of Section 23575.

16 (5) Except as provided in this paragraph, upon a conviction or
17 finding of a violation of Section 23152 punishable under Section
18 23546, the privilege shall be revoked for a period of three years.
19 The privilege shall not be reinstated until the person files proof of
20 financial responsibility and gives proof satisfactory to the
21 department of successful completion of an 18-month
22 driving-under-the-influence program licensed pursuant to Section
23 11836 of the Health and Safety Code, as described in subdivision
24 (b) or (c) of Section 23548 of this code, if a 30-month program is
25 unavailable in the person's county of residence or employment,
26 or, if available in the county of the person's residence or
27 employment, a 30-month driving-under-the-influence program
28 licensed pursuant to Section 11836 of the Health and Safety Code,
29 or a program specified in Section 8001 of the Penal Code. For the
30 purposes of this paragraph, enrollment in, participation in, and
31 completion of an approved program shall occur subsequent to the
32 date of the current violation. Credit shall not be given to any
33 program activities completed prior to the date of the current
34 violation. The department shall advise the person that he or she
35 may apply to the department for a restricted driver's license, which
36 may include credit for a suspension period served under subdivision
37 (c) of Section 13353.3, if the person meets all of the following
38 requirements:

39 (A) Completion of 12 months of the suspension period, or
40 completion of six months of the suspension period if the underlying

1 conviction did not include the use of drugs as defined in Section
2 312 and the person was found to be only under the influence of an
3 alcoholic beverage at the time of the violation.

4 (B) The person satisfactorily provides, subsequent to the
5 violation date of the current underlying conviction, either of the
6 following:

7 (i) Proof of enrollment in an 18-month
8 driving-under-the-influence program licensed pursuant to Section
9 11836 of the Health and Safety Code if a 30-month program is
10 unavailable in the person's county of residence or employment.

11 (ii) Proof of enrollment in a 30-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code, if available in the county of
14 the person's residence or employment.

15 (C) The person agrees, as a condition of the restriction, to
16 continue satisfactory participation in the program described in
17 subparagraph (B).

18 (D) The person submits the "Verification of Installation" form
19 described in paragraph (2) of subdivision (g) of Section 13386.

20 (E) The person agrees to maintain the ignition interlock device
21 as required under subdivision (g) of Section 23575.

22 (F) The person provides proof of financial responsibility, as
23 defined in Section 16430.

24 (G) An individual convicted of a violation of Section 23152
25 punishable under Section 23546 may also, at any time after
26 sentencing, petition the court for referral to an 18-month
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code, or, if available in the county
29 of the person's residence or employment, a 30-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code. Unless good cause is shown,
32 the court shall order the referral.

33 (H) The person pays all applicable reinstatement or reissue fees
34 and any restriction fee required by the department.

35 (I) The person pays to the department a fee sufficient to cover
36 the costs of administration of this paragraph, as determined by the
37 department.

38 (J) The restriction shall remain in effect for the period required
39 in subdivision (f) of Section 23575.

(6) Except as provided in this paragraph, upon a conviction or finding of a violation of Section 23153 punishable under Section 23550.5 or 23566, the privilege shall be revoked for a period of five years. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23568 of this code, or if available in the county of the person's residence or employment, a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, or a program specified in Section 8001 of the Penal Code. For the purposes of this paragraph, enrollment in, participation in, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the revocation period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, he or she may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(A) The person satisfactorily provides, subsequent to the violation date of the current underlying conviction, either of the following:

(i) Completion of the initial 12 months of a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(ii) Completion of the initial 12 months of an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if a 30-month program is unavailable in the person's county of residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

1 (E) The person provides proof of financial responsibility, as
2 defined in Section 16430.

3 (F) An individual convicted of a violation of Section 23153
4 punishable under Section 23566 may also, at any time after
5 sentencing, petition the court for referral to an 18-month
6 driving-under-the-influence program licensed pursuant to Section
7 11836 of the Health and Safety Code, or, if available in the county
8 of the person's residence or employment, a 30-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code. Unless good cause is shown,
11 the court shall order the referral.

12 (G) The person pays all applicable reinstatement or reissue fees
13 and any restriction fee required by the department.

14 (H) The restriction shall remain in effect for the period required
15 in subdivision (f) of Section 23575.

16 (7) Except as provided in this paragraph, upon a conviction or
17 finding of a violation of Section 23152 punishable under Section
18 23550 or 23550.5, or of a violation of Section 23153 punishable
19 under Section 23550.5, the privilege shall be revoked for a period
20 of four years. The privilege shall not be reinstated until the person
21 files proof of financial responsibility and gives proof satisfactory
22 to the department of successful completion of an 18-month
23 driving-under-the-influence program licensed pursuant to Section
24 11836 of the Health and Safety Code, if a 30-month program is
25 unavailable in the person's county of residence or employment,
26 or, if available in the county of the person's residence or
27 employment, a 30-month driving-under-the-influence program
28 licensed pursuant to Section 11836 of the Health and Safety Code,
29 or a program specified in Section 8001 of the Penal Code. For the
30 purposes of this paragraph, enrollment in, participation in, and
31 completion of an approved program shall occur subsequent to the
32 date of the current violation. Credit shall not be given to any
33 program activities completed prior to the date of the current
34 violation. The department shall advise the person that after
35 completion of 12 months of the revocation period, which may
36 include credit for a suspension period served under subdivision
37 (c) of Section 13353.3, he or she may apply to the department for
38 a restricted driver's license if the person meets all of the following
39 requirements:

1 (A) The person satisfactorily provides, subsequent to the
2 violation date of the current underlying conviction, either of the
3 following:

4 (i) The initial 12 months of an 18-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if a 30-month program is
7 unavailable in the person's county of residence or employment.

8 (ii) The initial 12 months of a 30-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code, if available in the county of
11 the person's residence or employment.

12 (B) The person agrees, as a condition of the restriction, to
13 continue satisfactory participation in the program described in
14 subparagraph (A).

15 (C) The person submits the "Verification of Installation" form
16 described in paragraph (2) of subdivision (g) of Section 13386.

17 (D) The person agrees to maintain the ignition interlock device
18 as required under subdivision (g) of Section 23575.

19 (E) The person provides proof of financial responsibility, as
20 defined in Section 16430.

21 (F) An individual convicted of a violation of Section 23152
22 punishable under Section 23550 may also, at any time after
23 sentencing, petition the court for referral to an 18-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code, or, if available in the county
26 of the person's residence or employment, a 30-month
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code. Unless good cause is shown,
29 the court shall order the referral.

30 (G) The person pays all applicable reinstatement or reissue fees
31 and any restriction fee required by the department.

32 (H) The restriction shall remain in effect for the period required
33 in subdivision (f) of Section 23575.

34 (8) Upon a conviction or finding of a violation of subdivision
35 (a) of Section 23109 that is punishable under subdivision (e) of
36 that section or Section 23109.1, the privilege shall be suspended
37 for a period of 90 days to six months, if ordered by the court. The
38 privilege shall not be reinstated until the person gives proof of
39 financial responsibility, as defined in Section 16430.

(9) Upon a conviction or finding of a violation of subdivision (a) of Section 23109 that is punishable under subdivision (f) of that section, the privilege shall be suspended for a period of six months, if ordered by the court. The privilege shall not be reinstated until the person gives proof of financial responsibility, as defined in Section 16430.

(b) For the purpose of paragraphs (2) to (9), inclusive, of subdivision (a), the finding of the juvenile court judge, the juvenile hearing officer, or the referee of a juvenile court of a commission of a violation of Section 23152 or 23153, subdivision (a) of Section 23109, or Section 23109.1, as specified in subdivision (a) of this section, is a conviction.

(c) A judge of a juvenile court, juvenile hearing officer, or referee of a juvenile court shall immediately report the findings specified in subdivision (a) to the department.

(d) A conviction of an offense in a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or Canada that, if committed in this state, would be a violation of Section 23152, is a conviction of Section 23152 for the purposes of this section, and a conviction of an offense that, if committed in this state, would be a violation of Section 23153, is a conviction of Section 23153 for the purposes of this section. The department shall suspend or revoke the privilege to operate a motor vehicle pursuant to this section upon receiving notice of that conviction.

(e) For the purposes of the restriction conditions specified in paragraphs (3) to (7), inclusive, of subdivision (a), the department shall terminate the restriction imposed pursuant to this section and shall suspend or revoke the person's driving privilege upon receipt of notification from the driving-under-the-influence program that the person has failed to comply with the program requirements. The person's driving privilege shall remain suspended or revoked for the remaining period of the original suspension or revocation imposed under this section and until all reinstatement requirements described in this section are met.

(f) For the purposes of this section, completion of a program is the following:

(1) Satisfactory completion of all program requirements approved pursuant to program licensure, as evidenced by a

1 certificate of completion issued, under penalty of perjury, by the
2 licensed program.

3 (2) Certification, under penalty of perjury, by the director of a
4 program specified in Section 8001 of the Penal Code, that the
5 person has completed a program specified in Section 8001 of the
6 Penal Code.

7 (g) The holder of a commercial driver's license who was
8 operating a commercial motor vehicle, as defined in Section 15210,
9 at the time of a violation that resulted in a suspension or revocation
10 of the person's noncommercial driving privilege under this section
11 is not eligible for the restricted driver's license authorized under
12 paragraphs (3) to (7), inclusive, of subdivision (a).

13 (h) This section shall become inoperative on July 1, 2017, and,
14 as of January 1, 2018, is repealed, unless a later enacted statute,
15 that becomes operative on or before January 1, 2018, deletes or
16 extends the dates on which it becomes inoperative and is repealed.

17 ~~SEC. 2.~~

18 *SEC. 4.* Section 13352 is added to the Vehicle Code, to read:

19 13352. (a) The department shall immediately suspend or
20 revoke the privilege of a person to operate a motor vehicle upon
21 the receipt of an abstract of the record of a court showing that the
22 person has been convicted of a violation of Section 23152 or 23153,
23 subdivision (a) of Section 23109, or Section 23109.1, or upon the
24 receipt of a report of a judge of the juvenile court, a juvenile traffic
25 hearing officer, or a referee of a juvenile court showing that the
26 person has been found to have committed a violation of Section
27 23152 or 23153, subdivision (a) of Section 23109, or Section
28 23109.1. If an offense specified in this section occurs in a vehicle
29 defined in Section 15210, the suspension or revocation specified
30 in this subdivision applies also to the noncommercial driving
31 privilege. The commercial driving privilege shall be disqualified
32 as specified in Sections 15300 to 15302, inclusive. For the purposes
33 of this section, suspension or revocation shall be as follows:

34 (1) Except as required under Section 13352.1 or 13352.4, upon
35 a conviction or finding of a violation of Section 23152 punishable
36 under Section 23536, the privilege shall be suspended for a period
37 of six months. The privilege shall not be reinstated until the person
38 gives proof of financial responsibility and gives proof satisfactory
39 to the department of successful completion of a
40 driving-under-the-influence program licensed pursuant to Section

1 11836 of the Health and Safety Code described in subdivision (b)
2 of Section 23538 of this code. If the court, as authorized under
3 paragraph (3) of subdivision (b) of Section 23646, elects to order
4 a person to enroll in, participate in, and complete either program
5 described in subdivision (b) of Section 23542, the department shall
6 require that program in lieu of the program described in subdivision
7 (b) of Section 23538. For the purposes of this paragraph, enrollment
8 in, participation in, and completion of an approved program shall
9 occur subsequent to the date of the current violation. Credit shall
10 not be given to any program activities completed prior to the date
11 of the current violation.

12 (2) Upon a conviction or finding of a violation of Section 23153
13 punishable under Section 23554, the privilege shall be suspended
14 for a period of one year. The privilege shall not be reinstated until
15 the person gives proof of financial responsibility and gives proof
16 satisfactory to the department of successful completion of a
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code as described in subdivision
19 (b) of Section 23556 of this code. If the court, as authorized under
20 paragraph (3) of subdivision (b) of Section 23646, elects to order
21 a person to enroll in, participate in, and complete either program
22 described in subdivision (b) of Section 23542, the department shall
23 require that program in lieu of the program described in Section
24 23556. For the purposes of this paragraph, enrollment in,
25 participation in, and completion of an approved program shall
26 occur subsequent to the date of the current violation. Credit shall
27 not be given to any program activities completed prior to the date
28 of the current violation. The department shall advise the person
29 that he or she may apply to the department for a restricted driver's
30 license if the person meets all of the following requirements:

31 (A) The person satisfactorily provides, subsequent to the
32 violation date of the current underlying conviction, either of the
33 following:

34 (i) Proof of enrollment in a driving-under-the-influence program
35 licensed pursuant to Section 11836 of the Health and Safety Code,
36 as described in subdivision (b) of Section 23556 of this code.

37 (ii) Proof of enrollment in a program described in subdivision
38 (b) of Section 23542, if the court has ordered the person to enroll
39 in, participate in, and complete either program described in that

1 section, in which case the person shall not be required to provide
2 the proof described in clause (i).

3 (B) The person agrees, as a condition of the restriction, to
4 continue satisfactory participation in the program described in
5 subparagraph (A).

6 (C) The person complies with subdivision (d) of Section
7 23575.3, if applicable.

8 (D) The person agrees to maintain the ignition interlock device
9 as required under Section 23575.3, if applicable.

10 (E) The person provides proof of financial responsibility, as
11 defined in Section 16430.

12 (F) The person pays all reissue fees and any restriction fee
13 required by the department.

14 (G) The person pays to the department a fee sufficient to cover
15 the reasonable costs of administering the requirements of this
16 paragraph, as determined by the department.

17 (H) The restriction shall remain in effect for the period required
18 in subdivision (e).

19 (3) Except as provided in Section 13352.5, upon a conviction
20 or finding of a violation of Section 23152 punishable under Section
21 23540, the privilege shall be suspended for two years. The privilege
22 shall not be reinstated until the person gives proof of financial
23 responsibility and gives proof satisfactory to the department of
24 successful completion of a driving-under-the-influence program
25 licensed pursuant to Section 11836 of the Health and Safety Code
26 as described in subdivision (b) of Section 23542 of this code. For
27 the purposes of this paragraph, enrollment in, participation in, and
28 completion of an approved program shall occur subsequent to the
29 date of the current violation. Credit shall not be given to any
30 program activities completed prior to the date of the current
31 violation. The department shall advise the person that he or she
32 may apply to the department for a restricted driver's license if the
33 person meets all of the following requirements:

34 (A) The person satisfactorily provides, subsequent to the
35 violation date of the current underlying conviction, either of the
36 following:

37 (i) Proof of enrollment in an 18-month
38 driving-under-the-influence program licensed pursuant to Section
39 11836 of the Health and Safety Code if a 30-month program is
40 unavailable in the person's county of residence or employment.

1 (ii) Proof of enrollment in a 30-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, if available in the county of
4 the person's residence or employment.

5 (B) The person agrees, as a condition of the restriction, to
6 continue satisfactory participation in the program described in
7 subparagraph (A).

8 (C) The person complies with subdivision (d) of Section
9 23575.3, if applicable.

10 (D) The person agrees to maintain the ignition interlock device
11 as required under Section 23575.3, if applicable.

12 (E) The person provides proof of financial responsibility, as
13 defined in Section 16430.

14 (F) The person pays all reissue fees and any restriction fee
15 required by the department.

16 (G) The person pays to the department a fee sufficient to cover
17 the reasonable costs of administering the requirements of this
18 paragraph, as determined by the department.

19 (H) The restriction shall remain in effect for the period required
20 in subdivision (e).

21 (4) Except as provided in this paragraph, upon a conviction or
22 finding of a violation of Section 23153 punishable under Section
23 23560, the privilege shall be revoked for a period of three years.
24 The privilege may not be reinstated until the person gives proof
25 of financial responsibility, and the person gives proof satisfactory
26 to the department of successful completion of a
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code, as described in paragraph
29 (4) of subdivision (b) of Section 23562 of this code. For the
30 purposes of this paragraph, enrollment in, participation in, and
31 completion of an approved program shall occur subsequent to the
32 date of the current violation. Credit shall not be given to any
33 program activities completed prior to the date of the current
34 violation. The department shall advise the person that he or she
35 may apply to the department for a restricted driver's license if the
36 person meets all of the following requirements:

37 (A) The person satisfactorily provides, subsequent to the
38 violation date of the current underlying conviction, either of the
39 following:

1 (i) Proof of enrollment in an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code if a 30-month program is
4 unavailable in the person's county of residence or employment.

5 (ii) Proof of enrollment in a 30-month
6 driving-under-the-influence program licensed pursuant to Section
7 11836 of the Health and Safety Code, if available in the county of
8 the person's residence or employment.

9 (B) The person agrees, as a condition of the restriction, to
10 continue satisfactory participation in the program described in
11 subparagraph (A).

12 (C) The person complies with subdivision (d) of Section
13 23575.3, if applicable.

14 (D) The person agrees to maintain the ignition interlock device
15 as required under Section 23575.3, if applicable.

16 (E) The person provides proof of financial responsibility, as
17 defined in Section 16430.

18 (F) The person pays all applicable reinstatement or reissue fees
19 and any restriction fee required by the department.

20 (G) The person pays to the department a fee sufficient to cover
21 the reasonable costs of administering the requirements of this
22 paragraph, as determined by the department.

23 (H) The restriction shall remain in effect for the period required
24 in subdivision (e).

25 (5) Except as provided in this paragraph, upon a conviction or
26 finding of a violation of Section 23152 punishable under Section
27 23546, the privilege shall be revoked for a period of three years.
28 The privilege shall not be reinstated until the person files proof of
29 financial responsibility and gives proof satisfactory to the
30 department of successful completion of an 18-month
31 driving-under-the-influence program licensed pursuant to Section
32 11836 of the Health and Safety Code, as described in subdivision
33 (b) or (c) of Section 23548 of this code, if a 30-month program is
34 unavailable in the person's county of residence or employment,
35 or, if available in the county of the person's residence or
36 employment, a 30-month driving-under-the-influence program
37 licensed pursuant to Section 11836 of the Health and Safety Code,
38 or a program specified in Section 8001 of the Penal Code. For the
39 purposes of this paragraph, enrollment in, participation in, and
40 completion of an approved program shall occur subsequent to the

1 date of the current violation. Credit shall not be given to any
2 program activities completed prior to the date of the current
3 violation. The department shall advise the person that he or she
4 may apply to the department for a restricted driver's license if the
5 person meets all of the following requirements:

6 (A) The person satisfactorily provides, subsequent to the
7 violation date of the current underlying conviction, either of the
8 following:

9 (i) Proof of enrollment in an 18-month
10 driving-under-the-influence program licensed pursuant to Section
11 11836 of the Health and Safety Code if a 30-month program is
12 unavailable in the person's county of residence or employment.

13 (ii) Proof of enrollment in a 30-month
14 driving-under-the-influence program licensed pursuant to Section
15 11836 of the Health and Safety Code, if available in the county of
16 the person's residence or employment.

17 (B) The person agrees, as a condition of the restriction, to
18 continue satisfactory participation in the program described in
19 subparagraph (A).

20 (C) The person complies with subdivision (d) of Section
21 23575.3, if applicable.

22 (D) The person agrees to maintain the ignition interlock device
23 as required under Section 23575.3, if applicable.

24 (E) The person provides proof of financial responsibility, as
25 defined in Section 16430.

26 (F) An individual convicted of a violation of Section 23152
27 punishable under Section 23546 may also, at any time after
28 sentencing, petition the court for referral to an 18-month
29 driving-under-the-influence program licensed pursuant to Section
30 11836 of the Health and Safety Code, or, if available in the county
31 of the person's residence or employment, a 30-month
32 driving-under-the-influence program licensed pursuant to Section
33 11836 of the Health and Safety Code. Unless good cause is shown,
34 the court shall order the referral.

35 (G) The person pays all applicable reinstatement or reissue fees
36 and any restriction fee required by the department.

37 (H) The person pays to the department a fee sufficient to cover
38 the reasonable costs of administering the requirements of this
39 paragraph, as determined by the department.

1 (I) The restriction shall remain in effect for the period required
2 in subdivision (e).

3 (6) Except as provided in this paragraph, upon a conviction or
4 finding of a violation of Section 23153 punishable under Section
5 23550.5 or 23566, the privilege shall be revoked for a period of
6 five years. The privilege may not be reinstated until the person
7 gives proof of financial responsibility and gives proof satisfactory
8 to the department of successful completion of a
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code as described in subdivision
11 (b) of Section 23568, or if available in the county of the person's
12 residence or employment, a 30-month driving-under-the-influence
13 program licensed pursuant to Section 11836 of the Health and
14 Safety Code, or a program specified in Section 8001 of the Penal
15 Code. For the purposes of this paragraph, enrollment in,
16 participation in, and completion of an approved program shall be
17 subsequent to the date of the current violation. Credit shall not be
18 given to any program activities completed prior to the date of the
19 current violation. The department shall advise the person that he
20 or she may apply to the department for a restricted driver's license
21 if the person meets all of the following requirements:

22 (A) The person satisfactorily provides, subsequent to the
23 violation date of the current underlying conviction, either of the
24 following:

25 (i) Proof of enrollment in a 30-month
26 driving-under-the-influence program licensed pursuant to Section
27 11836 of the Health and Safety Code, if available in the county of
28 the person's residence or employment.

29 (ii) Proof of enrollment in an 18-month
30 driving-under-the-influence program licensed pursuant to Section
31 11836 of the Health and Safety Code, if a 30-month program is
32 unavailable in the person's county of residence or employment.

33 (B) The person agrees, as a condition of the restriction, to
34 continue satisfactory participation in the program described in
35 subparagraph (A).

36 (C) The person complies with subdivision (d) of Section
37 23575.3, if applicable.

38 (D) The person agrees to maintain the ignition interlock device
39 as required under Section 23575.3, if applicable.

1 (E) The person provides proof of financial responsibility, as
2 defined in Section 16430.

3 (F) An individual convicted of a violation of Section 23153
4 punishable under Section 23566 may also, at any time after
5 sentencing, petition the court for referral to an 18-month
6 driving-under-the-influence program licensed pursuant to Section
7 11836 of the Health and Safety Code, or, if available in the county
8 of the person's residence or employment, a 30-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code. Unless good cause is shown,
11 the court shall order the referral.

12 (G) The person pays all applicable reinstatement or reissue fees
13 and any restriction fee required by the department.

14 (H) The person pays to the department a fee sufficient to cover
15 the reasonable costs of administering the requirements of this
16 paragraph, as determined by the department.

17 (I) The restriction shall remain in effect for the period required
18 in subdivision (e).

19 (7) Except as provided in this paragraph, upon a conviction or
20 finding of a violation of Section 23152 punishable under Section
21 23550 or 23550.5, or of a violation of Section 23153 punishable
22 under Section 23550.5, the privilege shall be revoked for a period
23 of four years. The privilege shall not be reinstated until the person
24 files proof of financial responsibility and gives proof satisfactory
25 to the department of successful completion of an 18-month
26 driving-under-the-influence program licensed pursuant to Section
27 11836 of the Health and Safety Code, if a 30-month program is
28 unavailable in the person's county of residence or employment,
29 or, if available in the county of the person's residence or
30 employment, a 30-month driving-under-the-influence program
31 licensed pursuant to Section 11836 of the Health and Safety Code,
32 or a program specified in Section 8001 of the Penal Code. For the
33 purposes of this paragraph, enrollment in, participation in, and
34 completion of an approved program shall occur subsequent to the
35 date of the current violation. Credit shall not be given to any
36 program activities completed prior to the date of the current
37 violation. The department shall advise the person that he or she
38 may apply to the department for a restricted driver's license if the
39 person meets all of the following requirements:

1 (A) The person satisfactorily provides, subsequent to the
2 violation date of the current underlying conviction, either of the
3 following:

4 (i) Proof of enrollment in an 18-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if a 30-month program is
7 unavailable in the person's county of residence or employment.

8 (ii) Proof of enrollment in a 30-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code, if available in the county of
11 the person's residence or employment.

12 (B) The person agrees, as a condition of the restriction, to
13 continue satisfactory participation in the program described in
14 subparagraph (A).

15 (C) The person complies with subdivision (d) of Section
16 23575.3, if applicable.

17 (D) The person agrees to maintain the ignition interlock device
18 as required under Section 23575.3, if applicable.

19 (E) The person provides proof of financial responsibility, as
20 defined in Section 16430.

21 (F) An individual convicted of a violation of Section 23152
22 punishable under Section 23550 may also, at any time after
23 sentencing, petition the court for referral to an 18-month
24 driving-under-the-influence program licensed pursuant to Section
25 11836 of the Health and Safety Code, or, if available in the county
26 of the person's residence or employment, a 30-month
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code. Unless good cause is shown,
29 the court shall order the referral.

30 (G) The person pays all applicable reinstatement or reissue fees
31 and any restriction fee required by the department.

32 (H) The person pays to the department a fee sufficient to cover
33 the reasonable costs of administering the requirements of this
34 paragraph, as determined by the department.

35 (I) The restriction shall remain in effect for the period required
36 in subdivision (e).

37 (8) Upon a conviction or finding of a violation of subdivision
38 (a) of Section 23109 that is punishable under subdivision (e) of
39 that section or Section 23109.1, the privilege shall be suspended
40 for a period of 90 days to six months, if ordered by the court. The

1 privilege shall not be reinstated until the person gives proof of
2 financial responsibility, as defined in Section 16430.

3 (9) Upon a conviction or finding of a violation of subdivision
4 (a) of Section 23109 that is punishable under subdivision (f) of
5 that section, the privilege shall be suspended for a period of six
6 months, if ordered by the court. The privilege shall not be reinstated
7 until the person gives proof of financial responsibility, as defined
8 in Section 16430.

9 (b) For the purpose of paragraphs (2) to (9), inclusive, of
10 subdivision (a), the finding of the juvenile court judge, the juvenile
11 hearing officer, or the referee of a juvenile court of a commission
12 of a violation of Section 23152 or 23153, subdivision (a) of Section
13 23109, or Section 23109.1, as specified in subdivision (a) of this
14 section, is a conviction.

15 (c) A judge of a juvenile court, juvenile hearing officer, or
16 referee of a juvenile court shall immediately report the findings
17 specified in subdivision (a) to the department.

18 (d) A conviction of an offense in a state, territory, or possession
19 of the United States, the District of Columbia, the Commonwealth
20 of Puerto Rico, or Canada that, if committed in this state, would
21 be a violation of Section 23152, is a conviction of Section 23152
22 for the purposes of this section, and a conviction of an offense
23 that, if committed in this state, would be a violation of Section
24 23153, is a conviction of Section 23153 for the purposes of this
25 section. The department shall suspend or revoke the privilege to
26 operate a motor vehicle pursuant to this section upon receiving
27 notice of that conviction.

28 (e) (1) Except as specified in paragraph (2) or (3), the restriction
29 conditions specified in paragraphs (2) to (7), inclusive, of
30 subdivision (a) shall remain in effect ~~for at least the remaining~~
31 ~~period of the original suspension or revocation and~~ until all
32 reinstatement requirements are satisfied.

33 (2) For the purposes of the restriction conditions specified in
34 paragraphs (2) to (7), inclusive, of subdivision (a), the department
35 shall terminate the restriction imposed pursuant to this section and
36 shall suspend or revoke the person's driving privilege upon receipt
37 of notification from the driving-under-the-influence program that
38 the person has failed to comply with the program requirements.
39 The person's driving privilege shall remain suspended or revoked
40 for the remaining period of the original suspension or revocation

1 imposed under this section and until all reinstatement requirements
2 described in this section are met.

3 (3) The department shall immediately terminate the restriction
4 issued pursuant to this section and shall immediately suspend or
5 revoke the privilege to operate a motor vehicle of a person who,
6 with respect to an ignition interlock device installed pursuant to
7 Section 23575.3, attempts to remove, bypass, or tamper with the
8 device, has the device removed prior to the termination date of the
9 restriction, or fails three or more times to comply with any
10 requirement for the maintenance or calibration of the device. The
11 privilege shall remain suspended or revoked for the remaining
12 period of the originating suspension or revocation and until all
13 reinstatement requirements in this section are satisfied.

14 *(f) Notwithstanding the suspension periods specified in*
15 *paragraphs (1) to (7), inclusive, of subdivision (a) or Section*
16 *13352.1, if the person maintains an ignition interlock device for*
17 *the mandatory term required under Section 23575.3, inclusive of*
18 *any term credit earned under Section 13353.6, the department*
19 *shall reinstate his or her privilege to operate a motor vehicle at*
20 *the time the other reinstatement requirements are satisfied.*

21 ~~(f)~~

22 (g) For the purposes of this section, completion of a program
23 is the following:

24 (1) Satisfactory completion of all program requirements
25 approved pursuant to program licensure, as evidenced by a
26 certificate of completion issued, under penalty of perjury, by the
27 licensed program.

28 (2) Certification, under penalty of perjury, by the director of a
29 program specified in Section 8001 of the Penal Code, that the
30 person has completed a program specified in Section 8001 of the
31 Penal Code.

32 ~~(g)~~

33 (h) The holder of a commercial driver's license who was
34 operating a commercial motor vehicle, as defined in Section 15210,
35 at the time of a violation that resulted in a suspension or revocation
36 of the person's noncommercial driving privilege under this section
37 is not eligible for the restricted driver's license authorized under
38 paragraphs (3) to (7), inclusive, of subdivision (a).

39 ~~(h)~~

1 (i) The reinstatement of the driving privilege pursuant to this
2 section does not abrogate a person's continuing duty to comply
3 with any restriction imposed pursuant to Section 23575.3.

4 (i)

5 (j) This section shall become operative on July 1, 2017.

6 ~~SEC. 3.~~

7 *SEC. 5.* Section 13352.4 of the Vehicle Code is amended to
8 read:

9 13352.4. (a) Except as provided in subdivision (h), the
10 department shall issue a restricted driver's license to a person
11 whose driver's license was suspended under paragraph (1) of
12 subdivision (a) of Section 13352 or Section 13352.1, if the person
13 meets all of the following requirements:

14 (1) Submits proof satisfactory to the department of either of the
15 following, as applicable:

16 (A) Enrollment in a driving-under-the-influence program
17 licensed pursuant to Section 11836 of the Health and Safety Code,
18 as described in subdivision (b) of Section 23538 of this code.

19 (B) Enrollment in a program described in subdivision (b) of
20 Section 23542, if the court has ordered the person to enroll in,
21 participate in, and complete either program described in that
22 section, in which case the person shall not be required to provide
23 proof of the enrollment described in subparagraph (A).

24 (2) Submits proof of financial responsibility, as defined in
25 Section 16430.

26 (3) Pays all applicable reinstatement or reissue fees and any
27 restriction fee required by the department.

28 (b) The restriction of the driving privilege shall become effective
29 when the department receives all of the documents and fees
30 required under subdivision (a) and shall remain in effect until the
31 final day of the original suspension imposed under paragraph (1)
32 of subdivision (a) of Section 13352 or Section 13352.1, or until
33 the date all reinstatement requirements described in Section 13352
34 or 13352.1 have been met, whichever date is later, and may include
35 credit for any suspension period served under subdivision (c) of
36 Section 13353.3.

37 (c) The restriction of the driving privilege shall be limited to
38 the hours necessary for driving to and from the person's place of
39 employment, driving during the course of employment, and driving

1 to and from activities required in the driving-under-the-influence
2 program.

3 (d) Whenever the driving privilege is restricted under this
4 section, proof of financial responsibility, as defined in Section
5 16430, shall be maintained for three years. If the person does not
6 maintain that proof of financial responsibility at any time during
7 the restriction, the driving privilege shall be suspended until the
8 proof required under Section 16484 is received by the department.

9 (e) For the purposes of this section, enrollment, participation,
10 and completion of an approved program shall be subsequent to the
11 date of the current violation. Credit may not be given to a program
12 activity completed prior to the date of the current violation.

13 (f) The department shall terminate the restriction issued under
14 this section and shall suspend the privilege to operate a motor
15 vehicle pursuant to paragraph (1) of subdivision (a) of Section
16 13352 or Section 13352.1 immediately upon receipt of notification
17 from the driving-under-the-influence program that the person has
18 failed to comply with the program requirements. The privilege
19 shall remain suspended until the final day of the original suspension
20 imposed under paragraph (1) of subdivision (a) of Section 13352
21 or 13352.1, or until the date all reinstatement requirements
22 described in Section 13352 or Section 13352.1 have been met,
23 whichever date is later.

24 (g) The holder of a commercial driver's license who was
25 operating a commercial motor vehicle, as defined in Section 15210,
26 at the time of a violation that resulted in a suspension or revocation
27 of the person's noncommercial driving privilege under paragraph
28 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
29 eligible for the restricted driver's license authorized under this
30 section.

31 (h) If, upon conviction, the court has made the determination,
32 as authorized under subdivision (d) of Section 23536 or paragraph
33 (3) of subdivision (a) of Section 23538, to disallow the issuance
34 of a restricted driver's license, the department may not issue a
35 restricted driver's license under this section.

36 (i) This section shall become inoperative on July 1, 2017, and,
37 as of January 1, 2018, is repealed, unless a later enacted statute,
38 that becomes operative on or before January 1, 2018, deletes or
39 extends the dates on which it becomes inoperative and is repealed.

1 ~~SEC. 4.~~

2 *SEC. 6.* Section 13352.4 is added to the Vehicle Code, to read:

3 13352.4. (a) Except as provided in subdivision (h), the
4 department shall issue a restricted driver's license to a person
5 whose driver's license was suspended under paragraph (1) of
6 subdivision (a) of Section 13352 or Section 13352.1, if the person
7 meets all of the following requirements:

8 (1) Submits proof satisfactory to the department of either of the
9 following:

10 (A) Enrollment in a driving-under-the-influence program
11 licensed pursuant to Section 11836 of the Health and Safety Code,
12 as described in subdivision (b) of Section 23538 of this code.

13 (B) Enrollment in a program described in subdivision (b) of
14 Section 23542, if the court has ordered the person to enroll in,
15 participate in, and complete either program described in that
16 section, in which case the person shall not be required to provide
17 proof of the enrollment described in subparagraph (A).

18 (2) Complies with subdivision (d) of Section 23575.3, if
19 applicable.

20 (3) Agrees to maintain the ignition interlock device as required
21 under Section 23575.3, if applicable.

22 (4) Submits proof of financial responsibility, as defined in
23 Section 16430.

24 (5) Pays all applicable reinstatement or reissue fees and any
25 restriction fee required by the department.

26 (6) The person pays to the department a fee sufficient to cover
27 the reasonable costs of administering the requirements of this
28 paragraph, as determined by the department.

29 (b) The restriction of the driving privilege shall become effective
30 when the department receives all of the documents and fees
31 required under subdivision (a) and shall remain in effect ~~until the~~
32 ~~final day of the original suspension imposed under paragraph (1)~~
33 ~~of subdivision (a) of Section 13352 or Section 13352.1, or until~~
34 the date all reinstatement requirements described in Section 13352
35 or 13352.1 have been met, ~~whichever date is later, and may include~~
36 ~~credit for any suspension period served under subdivision (c) of~~
37 ~~Section 13353.3. met.~~

38 (c) Whenever the driving privilege is restricted under this
39 section, proof of financial responsibility, as defined in Section
40 16430, shall be maintained for three years. If the person does not

1 maintain that proof of financial responsibility at any time during
2 the restriction, the driving privilege shall be suspended until the
3 proof required under Section 16484 is received by the department.

4 (d) For the purposes of this section, enrollment, participation,
5 and completion of an approved program shall be subsequent to the
6 date of the current violation. Credit may not be given to a program
7 activity completed prior to the date of the current violation.

8 (e) (1) The department shall terminate the restriction issued
9 under this section and shall suspend the privilege to operate a motor
10 vehicle pursuant to paragraph (1) of subdivision (a) of Section
11 13352 or Section 13352.1 immediately upon receipt of notification
12 from the driving-under-the-influence program that the person has
13 failed to comply with the program requirements. The privilege
14 shall remain suspended until the final day of the original suspension
15 imposed under paragraph (1) of subdivision (a) of Section 13352
16 or Section 13352.1, or until the date all reinstatement requirements
17 described in Section 13352 or 13352.1 have been met, whichever
18 date is later.

19 (2) The department shall immediately terminate the restriction
20 issued pursuant to this section and shall immediately suspend or
21 revoke the privilege to operate a motor vehicle of a person who,
22 with respect to an ignition interlock device installed pursuant to
23 Section 23575.3, attempts to remove, bypass, or tamper with the
24 device, has the device removed prior to the termination date of the
25 restriction, or fails three or more times to comply with any
26 requirement for the maintenance or calibration of the device. The
27 privilege shall remain suspended or revoked for the remaining
28 period of the originating suspension or revocation and until all
29 reinstatement requirements in this section are satisfied.

30 (f) The holder of a commercial driver's license who was
31 operating a commercial motor vehicle, as defined in Section 15210,
32 at the time of a violation that resulted in a suspension or revocation
33 of the person's noncommercial driving privilege under paragraph
34 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not
35 eligible for the restricted driver's license authorized under this
36 section.

37 (g) If, upon conviction, the court has made the determination,
38 as authorized under subdivision (d) of Section 23536 or paragraph
39 (3) of subdivision (a) of Section 23538, to disallow the issuance

1 of a restricted driver's license, the department may not issue a
2 restricted driver's license under this section.

3 (h) This section shall become operative on July 1, 2017.

4 ~~SEC. 5.~~

5 *SEC. 7.* Section 13353.3 of the Vehicle Code is amended to
6 read:

7 13353.3. (a) An order of suspension of a person's privilege to
8 operate a motor vehicle pursuant to Section 13353.2 shall become
9 effective 30 days after the person is served with the notice pursuant
10 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

11 (b) The period of suspension of a person's privilege to operate
12 a motor vehicle under Section 13353.2 is as follows:

13 (1) If the person has not been convicted of a separate violation
14 of Section 23103, as specified in Section 23103.5, or Section
15 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of
16 Section 192.5 of the Penal Code, the person has not been
17 administratively determined to have refused chemical testing
18 pursuant to Section 13353 or 13353.1 of this code, or the person
19 has not been administratively determined to have been driving
20 with an excessive concentration of alcohol pursuant to Section
21 13353.2 on a separate occasion, which offense or occurrence
22 occurred within 10 years of the occasion in question, the person's
23 privilege to operate a motor vehicle shall be suspended for four
24 months.

25 (2) (A) If the person has been convicted of one or more separate
26 violations of Section 23103, as specified in Section 23103.5, or
27 Section 23140, 23152, or 23153, or Section 191.5 or subdivision
28 (a) of Section 192.5 of the Penal Code, the person has been
29 administratively determined to have refused chemical testing
30 pursuant to Section 13353 or 13353.1 of this code, or the person
31 has been administratively determined to have been driving with
32 an excessive concentration of alcohol pursuant to Section 13353.2
33 on a separate occasion, which offense or occasion occurred within
34 10 years of the occasion in question, the person's privilege to
35 operate a motor vehicle shall be suspended for one year, except
36 as provided in subparagraphs (B) and (C).

37 (B) The one-year suspension pursuant to subparagraph (A) shall
38 terminate if the person has been convicted of a violation arising
39 out of the same occurrence and all of the following conditions are
40 met:

1 (i) The person is eligible for a restricted driver's license pursuant
2 to Section 13352.

3 (ii) The person installs an ignition interlock device as required
4 in Section 13352 for that restricted driver's license.

5 (iii) The person complies with all other applicable conditions
6 of Section 13352 for a restricted driver's license.

7 (C) The one-year suspension pursuant to subparagraph (A) shall
8 terminate after completion of a 90-day suspension period, and the
9 person shall be eligible for a restricted license if the person has
10 been convicted of a violation of Section 23103, as specified in
11 Section 23103.5, arising out of the same occurrence, has no more
12 than two prior alcohol-related convictions within 10 years, as
13 specified pursuant to subparagraph (A), and all of the following
14 conditions are met:

15 (i) The person satisfactorily provides, subsequent to the
16 underlying violation date, proof satisfactory to the department of
17 enrollment in a nine-month driving-under-the-influence program
18 licensed pursuant to Chapter 9 (commencing with Section 11836)
19 of Part 2 of Division 10.5 of the Health and Safety Code that
20 consists of at least 60 hours of program activities, including
21 education, group counseling, and individual interview sessions.

22 (ii) The person agrees, as a condition of the restriction, to
23 continue satisfactory participation in the program described in
24 clause (i).

25 (iii) The person installs an ignition interlock device and submits
26 the "Verification of Installation" form described in paragraph (2)
27 of subdivision (g) of Section 13386.

28 (iv) The person agrees to maintain the ignition interlock device
29 as required pursuant to subdivision (g) of Section 23575.

30 (v) The person provides proof of financial responsibility, as
31 defined in Section 16430.

32 (vi) The person pays all license fees and any restriction fee
33 required by the department.

34 (vii) The person pays to the department a fee sufficient to cover
35 the costs of administration of this paragraph, as determined by the
36 department.

37 (D) The department shall advise those persons that are eligible
38 under subparagraph (C) that after completion of 90 days of the
39 suspension period, the person may apply to the department for a

1 restricted driver's license, subject to the conditions set forth in
2 subparagraph (C).

3 (E) The restricted driving privilege shall become effective when
4 the department receives all of the documents and fees required
5 under subparagraph (C) and remain in effect for at least the
6 remaining period of the original suspension and until the person
7 provides satisfactory proof to the department of successful
8 completion of a driving-under-the-influence program licensed
9 pursuant to Section 11836 of the Health and Safety Code. The
10 restricted driving privilege shall be subject to the following
11 conditions:

12 (i) If the driving privilege is restricted under this section, proof
13 of financial responsibility, as described in Section 16430, shall be
14 maintained for three years. If the person does not maintain that
15 proof of financial responsibility at any time during the restriction,
16 the driving privilege shall be suspended until the proof required
17 pursuant to Section 16484 is received by the department.

18 (ii) For the purposes of this section, enrollment, participation,
19 and completion of an approved program shall occur subsequent
20 to the date of the current violation. Credit may not be given to a
21 program activity completed prior to the date of the current
22 violation.

23 (iii) The department shall terminate the restriction issued
24 pursuant to this section and shall suspend the privilege to operate
25 a motor vehicle pursuant to subparagraph (A) immediately upon
26 receipt of notification from the driving-under-the-influence
27 program that the person has failed to comply with the program
28 requirements. The privilege shall remain suspended until the final
29 day of the original suspension imposed pursuant to subparagraph
30 (A).

31 (iv) The department shall terminate the restriction issued
32 pursuant to this section and shall immediately suspend the privilege
33 to operate a motor vehicle pursuant to subparagraph (A)
34 immediately upon receipt of notification from the installer that a
35 person has attempted to remove, bypass, or tamper with the ignition
36 interlock device, has removed the device prior to the termination
37 date of the restriction, or fails three or more times to comply with
38 any requirement for the maintenance or calibration of the ignition
39 interlock device ordered pursuant to this section. The privilege

1 shall remain suspended for the remaining period of the original
2 suspension imposed pursuant to subparagraph (A).

3 (3) Notwithstanding any other law, if a person has been
4 administratively determined to have been driving in violation of
5 Section 23136 or to have refused chemical testing pursuant to
6 Section 13353.1, the period of suspension shall not be for less than
7 one year.

8 (c) If a person's privilege to operate a motor vehicle is
9 suspended pursuant to Section 13353.2 and the person is convicted
10 of a violation of Section 23152 or 23153, including, but not limited
11 to, a violation described in Section 23620, arising out of the same
12 occurrence, both the suspension under Section 13353.2 and the
13 suspension or revocation under Section 13352 shall be imposed,
14 except that the periods of suspension or revocation shall run
15 concurrently, and the total period of suspension or revocation shall
16 not exceed the longer of the two suspension or revocation periods.

17 (d) For the purposes of this section, a conviction of an offense
18 in any state, territory, or possession of the United States, the
19 District of Columbia, the Commonwealth of Puerto Rico, or
20 Canada that, if committed in this state, would be a violation of
21 Section 23103, as specified in Section 23103.5, or Section 23140,
22 23152, or 23153, or Section 191.5 or subdivision (a) of Section
23 192.5 of the Penal Code, is a conviction of that particular section
24 of the Vehicle Code or Penal Code.

25 (e) The holder of a commercial driver's license who was
26 operating a commercial motor vehicle, as defined in Section 15210,
27 at the time of a violation that resulted in a suspension or revocation
28 of the person's noncommercial driving privilege is not eligible for
29 the restricted driver's license authorized pursuant to this section.

30 (f) This section shall become inoperative on July 1, 2017, and,
31 as of January 1, 2018, is repealed, unless a later enacted statute,
32 that becomes operative on or before January 1, 2018, deletes or
33 extends the dates on which it becomes inoperative and is repealed.

34 ~~SEC. 6.~~

35 *SEC. 8.* Section 13353.3 is added to the Vehicle Code, to read:

36 13353.3. (a) An order of suspension of a person's privilege to
37 operate a motor vehicle pursuant to Section 13353.2 shall become
38 effective 30 days after the person is served with the notice pursuant
39 to Section 13382 or 13388, or subdivision (b) of Section 13353.2.

(b) The period of suspension of a person's privilege to operate a motor vehicle under Section 13353.2 is as follows:

(1) If the person has not been convicted of a separate violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code, the person has not been administratively determined to have refused chemical testing pursuant to Section 13353 or 13353.1 of this code, or the person has not been administratively determined to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occurrence occurred within 10 years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for four months.

(2) (A) If the person has been convicted of one or more separate violations of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code, the person has been administratively determined to have refused chemical testing pursuant to Section 13353 or 13353.1 of this code, or the person has been administratively determined to have been driving with an excessive concentration of alcohol pursuant to Section 13353.2 on a separate occasion, which offense or occasion occurred within 10 years of the occasion in question, the person's privilege to operate a motor vehicle shall be suspended for one year, except as provided in subparagraphs (B) and (C).

(B) The one-year suspension pursuant to subparagraph (A) shall terminate if the person has been convicted of a violation arising out of the same occurrence and all of the following conditions are met:

(i) The person is eligible for a restricted driver's license pursuant to Section 13352.

(ii) The person installs an ignition interlock device as required in Section 13352 for that restricted driver's license.

(iii) The person complies with all other applicable conditions of Section 13352 for a restricted driver's license.

(C) The one-year suspension pursuant to subparagraph (A) shall terminate after completion of a 90-day suspension period, and the person shall be eligible for a restricted license if the person has been convicted of a violation of Section 23103, as specified in

1 Section 23103.5, arising out of the same occurrence, has no more
2 than two prior alcohol-related convictions within 10 years, as
3 specified pursuant to subparagraph (A), and all of the following
4 conditions are met:

5 (i) The person satisfactorily provides, subsequent to the
6 underlying violation date, proof satisfactory to the department of
7 enrollment in a nine-month driving-under-the-influence program
8 licensed pursuant to Chapter 9 (commencing with Section 11836)
9 of Part 2 of Division 10.5 of the Health and Safety Code that
10 consists of at least 60 hours of program activities, including
11 education, group counseling, and individual interview sessions.

12 (ii) The person agrees, as a condition of the restriction, to
13 continue satisfactory participation in the program described in
14 clause (i).

15 (iii) The person installs an ignition interlock device and submits
16 the “Verification of Installation” form described in paragraph (2)
17 of subdivision (g) of Section 13386.

18 (iv) The person agrees to maintain the ignition interlock device
19 as required under Section 23575.3.

20 (v) The person provides proof of financial responsibility, as
21 defined in Section 16430.

22 (vi) The person pays all license fees and any restriction fee
23 required by the department.

24 (vii) The person pays to the department a fee sufficient to cover
25 the costs of administration of this paragraph, as determined by the
26 department.

27 (D) The department shall advise those persons that are eligible
28 under subparagraph (C) that after completion of 90 days of the
29 suspension period, the person may apply to the department for a
30 restricted driver’s license, subject to the conditions set forth in
31 subparagraph (C).

32 (E) The restricted driving privilege shall become effective when
33 the department receives all of the documents and fees required
34 under subparagraph (C) and remain in effect for at least the
35 remaining period of the original suspension and until the person
36 provides satisfactory proof to the department of successful
37 completion of a driving-under-the-influence program licensed
38 pursuant to Section 11836 of the Health and Safety Code. The
39 restricted driving privilege shall be subject to the following
40 conditions:

1 (i) If the driving privilege is restricted under this section, proof
2 of financial responsibility, as described in Section 16430, shall be
3 maintained for three years. If the person does not maintain that
4 proof of financial responsibility at any time during the restriction,
5 the driving privilege shall be suspended until the proof required
6 pursuant to Section 16484 is received by the department.

7 (ii) For the purposes of this section, enrollment, participation,
8 and completion of an approved program shall occur subsequent
9 to the date of the current violation. Credit may not be given to a
10 program activity completed prior to the date of the current
11 violation.

12 (iii) The department shall terminate the restriction issued
13 pursuant to this section and shall suspend the privilege to operate
14 a motor vehicle pursuant to subparagraph (A) immediately upon
15 receipt of notification from the driving-under-the-influence
16 program that the person has failed to comply with the program
17 requirements. The privilege shall remain suspended until the final
18 day of the original suspension imposed pursuant to subparagraph
19 (A).

20 (iv) The department shall terminate the restriction issued
21 pursuant to this section and shall immediately suspend the privilege
22 to operate a motor vehicle pursuant to subparagraph (A)
23 immediately upon receipt of notification from the installer that a
24 person has attempted to remove, bypass, or tamper with the ignition
25 interlock device, has removed the device prior to the termination
26 date of the restriction, or fails three or more times to comply with
27 any requirement for the maintenance or calibration of the ignition
28 interlock device ordered pursuant to this section. The privilege
29 shall remain suspended for the remaining period of the original
30 suspension imposed pursuant to subparagraph (A).

31 (3) Notwithstanding any other law, if a person has been
32 administratively determined to have been driving in violation of
33 Section 23136 or to have refused chemical testing pursuant to
34 Section 13353.1, the period of suspension shall not be for less than
35 one year.

36 (c) If a person's privilege to operate a motor vehicle is
37 suspended pursuant to Section 13353.2 and the person is convicted
38 of a violation of Section 23152 or 23153, including, but not limited
39 to, a violation described in Section 23620, arising out of the same
40 occurrence, both the suspension under Section 13353.2 and the

1 suspension or revocation under Section 13352 shall be imposed,
2 except that the periods of suspension or revocation shall run
3 concurrently, and the total period of suspension or revocation shall
4 not exceed the longer of the two suspension or revocation periods.

5 (d) For the purposes of this section, a conviction of an offense
6 in any state, territory, or possession of the United States, the
7 District of Columbia, the Commonwealth of Puerto Rico, or
8 Canada that, if committed in this state, would be a violation of
9 Section 23103, as specified in Section 23103.5, or Section 23140,
10 23152, or 23153, or Section 191.5 or subdivision (a) of Section
11 192.5 of the Penal Code, is a conviction of that particular section
12 of the Vehicle Code or Penal Code.

13 (e) The holder of a commercial driver's license who was
14 operating a commercial motor vehicle, as defined in Section 15210,
15 at the time of a violation that resulted in a suspension or revocation
16 of the person's noncommercial driving privilege is not eligible for
17 the restricted driver's license authorized pursuant to this section.

18 (f) This section shall become operative on July 1, 2017.

19 ~~SEC. 7.~~

20 *SEC. 9.* Section 13353.4 of the Vehicle Code is amended to
21 read:

22 13353.4. (a) Except as provided in Section 13353.3, 13353.7,
23 or 13353.8, the driving privilege shall not be restored, and a
24 restricted or hardship permit to operate a motor vehicle shall not
25 be issued, to a person during the suspension or revocation period
26 specified in Section 13353, 13353.1, or 13353.3.

27 (b) The privilege to operate a motor vehicle shall not be restored
28 after a suspension or revocation pursuant to Section 13352, 13353,
29 13353.1, or 13353.2 until all applicable fees, including the fees
30 prescribed in Section 14905, have been paid and the person gives
31 proof of financial responsibility, as defined in Section 16430, to
32 the department.

33 (c) This section shall become inoperative on July 1, 2017, and,
34 as of January 1, 2018, is repealed, unless a later enacted statute,
35 that becomes operative on or before January 1, 2018, deletes or
36 extends the dates on which it becomes inoperative and is repealed.

37 ~~SEC. 8.~~

38 *SEC. 10.* Section 13353.4 is added to the Vehicle Code, to
39 read:

1 13353.4. (a) Except as provided in Section 13353.3, 13353.6,
2 13353.7, or 13353.8, the driving privilege shall not be restored,
3 and a restricted or hardship permit to operate a motor vehicle shall
4 not be issued, to a person during the suspension or revocation
5 period specified in Section 13353, 13353.1, or 13353.3.

6 (b) The privilege to operate a motor vehicle shall not be restored
7 after a suspension or revocation pursuant to Section 13352, 13353,
8 13353.1, or 13353.2 until all applicable fees, including the fees
9 prescribed in Section 14905, have been paid and the person gives
10 proof of financial responsibility, as defined in Section 16430, to
11 the department.

12 (c) This section shall become operative on July 1, 2017.

13 ~~SEC. 9.~~

14 *SEC. 11.* Section 13353.5 of the Vehicle Code is amended to
15 read:

16 13353.5. (a) If a person whose driving privilege is suspended
17 or revoked under Section 13352, former Section 13352.4, Section
18 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
19 Section 23247, or paragraph (2) of subdivision (f) of Section 23575
20 is a resident of another state at the time the mandatory period of
21 suspension or revocation expires, the department may terminate
22 the suspension or revocation, upon written application of the
23 person, for the purpose of allowing the person to apply for a license
24 in his or her state of residence. The application shall include, but
25 need not be limited to, evidence satisfactory to the department that
26 the applicant now resides in another state.

27 (b) If the person submits an application for a California driver's
28 license within three years after the date of the action to terminate
29 suspension or revocation pursuant to subdivision (a), a license
30 shall not be issued until evidence satisfactory to the department
31 establishes that the person is qualified for reinstatement and no
32 grounds exist including, but not limited to, one or more subsequent
33 convictions for driving under the influence of alcohol or other
34 drugs that would support a refusal to issue a license. The
35 department may waive the three-year requirement if the person
36 provides the department with proof of financial responsibility, as
37 defined in Section 16430, and proof satisfactory to the department
38 of successful completion of a driving-under-the-influence program
39 described in Section 13352, and the driving-under-the-influence

1 program is of the length required under paragraphs (1) to (7),
2 inclusive, of subdivision (a) of Section 13352.

3 (c) For the purposes of this section, “state” includes a foreign
4 province or country.

5 (d) This section shall become inoperative on July 1, 2017, and,
6 as of January 1, 2018, is repealed, unless a later enacted statute,
7 that becomes operative on or before January 1, 2018, deletes or
8 extends the dates on which it becomes inoperative and is repealed.

9 ~~SEC. 10.~~

10 *SEC. 12.* Section 13353.5 is added to the Vehicle Code, to
11 read:

12 13353.5. (a) If a person whose driving privilege is suspended
13 or revoked under Section 13352, former Section 13352.4, Section
14 13352.4, Section 13352.6, paragraph (1) of subdivision (g) of
15 Section 23247, or paragraph (3) of subdivision (e) of Section 13352
16 is a resident of another state at the time the mandatory period of
17 suspension or revocation expires, the department may terminate
18 the suspension or revocation, upon written application of the
19 person, for the purpose of allowing the person to apply for a license
20 in his or her state of residence. The application shall include, but
21 need not be limited to, evidence satisfactory to the department that
22 the applicant now resides in another state.

23 (b) If the person submits an application for a California driver’s
24 license within three years after the date of the action to terminate
25 suspension or revocation pursuant to subdivision (a), a license
26 shall not be issued until evidence satisfactory to the department
27 establishes that the person is qualified for reinstatement and no
28 grounds exist including, but not limited to, one or more subsequent
29 convictions for driving under the influence of alcohol or other
30 drugs that would support a refusal to issue a license. The
31 department may waive the three-year requirement if the person
32 provides the department with proof of financial responsibility, as
33 defined in Section 16430, and proof satisfactory to the department
34 of successful completion of a driving-under-the-influence program
35 described in Section 13352, and the driving-under-the-influence
36 program is of the length required under paragraphs (1) to (7),
37 inclusive, of subdivision (a) of Section 13352.

38 (c) For the purposes of this section, “state” includes a foreign
39 province or country.

40 (d) This section shall become operative on July 1, 2017.

1 ~~SEC. 11.~~

2 *SEC. 13.* Section 13353.6 is added to the Vehicle Code, to
3 read:

4 13353.6. (a) Notwithstanding any other law, a person whose
5 driving privilege has been suspended under Section 13353.2 and
6 who is eligible for a restricted driver's license as provided for in
7 ~~Section 13353.3 or~~ 13353.7 *or* 13353.75 may be eligible for a
8 restricted driver's license without serving any period of the
9 suspension if the person meets all of the eligibility requirements
10 specified in those sections and the person does both of the
11 following:

12 (1) The person installs an ignition interlock device on any
13 vehicle that he or she own or operates and submits the "Verification
14 of Installation" form described in paragraph (2) of subdivision (g)
15 of Section 13386.

16 (2) The person agrees to maintain the ignition interlock device
17 as required under Section 23575.3.

18 (b) A person whose driving privilege has been suspended under
19 Section 13353.2 may install an ignition interlock device prior to
20 the effective date specified in Section 13353.3. A person who
21 installs an ignition interlock device pursuant to this subdivision,
22 meets all of the eligibility requirements specified in Section
23 ~~13353.3 or 13353.7,~~ 13353.7 *or* 13353.75 and complies with
24 paragraphs (1) and (2) of subdivision (a) is eligible for a restricted
25 driver's license on the effective date specified in Section 13353.3.

26 (c) The department shall terminate the restriction issued pursuant
27 to ~~Section 13353.3 or~~ 13353.7 *or* 13353.75 and shall immediately
28 reinstate the suspension of the privilege to operate a motor vehicle
29 upon receipt of notification from the ignition interlock device
30 installer that a person has attempted to remove, bypass, or tamper
31 with the ignition interlock device, has removed the device prior
32 to the termination date of the restriction, or fails three or more
33 times to comply with any requirement for the maintenance or
34 calibration of the ignition interlock device. The privilege shall
35 remain suspended for the remaining mandatory suspension period
36 imposed pursuant to Section 13353.3.

37 (d) Notwithstanding any other law, for a person whose driving
38 privilege has been suspended under Section 13353.2, who is
39 eligible for a restricted driver's license as provided for in Section
40 ~~13353.7,~~ 13353.7 *or* 13353.75, and who installs an ignition

interlock device pursuant to this ~~section~~, a section or Section 13353.75, both of the following shall apply:

(1) The person shall receive credit towards the mandatory term the person is required to install an ignition interlock device pursuant to Section 23575.3 for a conviction of a violation arising out of the same occurrence that led to the person's driving privilege being suspended pursuant to Section 13352.2 equal to the period of time the person installs an ignition interlock device pursuant to this section or Section 13353.75.

(2) A court shall reduce the ~~fine amount~~ total amount of the fine, fees, and penalties by up to five hundred dollars (\$500) for a conviction of a violation arising out of the same occurrence that led to the person's driving privilege being ~~suspended~~. suspended pursuant to Section 13353.2.

(e) This section shall become operative on July 1, 2017.

SEC. 14. Section 13353.75 is added to the Vehicle Code, to read:

13353.75. (a) Subject to subdivision (d), a person who has been previously convicted of, or found to have committed, a separate violation of Section 23103, as specified in Section 23103.5, or Section 23140, 23152, or 23153, or Section 191.5 or subdivision (a) of Section 192.5 of the Penal Code, or whose privilege to operate a motor vehicle has been suspended or revoked pursuant to Section 13353 or 13353.2 for an offense that occurred on a separate occasion within 10 years of the occasion in question may apply to the department for a restricted driver's license if the person meets all of the following requirements:

(1) (A) The person satisfactorily provides proof of enrollment in a driving-under-the-influence program licensed under Section 11836 of the Health and Safety Code, as described in subdivision (b) of Section 23538.

(B) The program shall report any failure to participate in the program to the department and shall certify successful completion of the program to the department.

(C) If a person who has been issued a restricted license under this section fails at any time to participate in the program, the department shall suspend the restricted license immediately. The department shall give notice of the suspension under this paragraph in the same manner as prescribed in subdivision (b) of

1 Section 13353.2 for the period specified in Section 13353.3, that
2 is effective upon receipt by the person.

3 (2) The person was 21 years of age or older at the time the
4 offense occurred and gives proof of financial responsibility as
5 defined in Section 16430.

6 (3) The person has not been arrested subsequent to the offense
7 for which the person's driving privilege has been suspended under
8 Section 13353.2 for a violation of Section 23103, as specified in
9 Section 23103.5, or Section 23140, 23152, or 23153, or Section
10 191.5 or subdivision (a) of Section 192.5 of the Penal Code, and
11 the person's privilege to operate a motor vehicle has not been
12 suspended or revoked pursuant to Section 13353 or 13353.2 for
13 an offense that occurred on a separate occasion, notwithstanding
14 Section 13551.

15 (4) The person installs an ignition interlock device on any
16 vehicle that he or she owns or operates and submits the
17 "Verification of Installation" form described in paragraph (2) of
18 subdivision (g) of Section 13386.

19 (5) The person agrees to maintain the ignition interlock device
20 as required under Section 23575.3.

21 (b) The restriction shall remain in effect for the remaining period
22 of the original suspension under Section 13353.2.

23 (c) Notwithstanding subdivisions (a) and (b), and upon a
24 conviction under Section 23152 or 23153 for the current offense,
25 the department shall suspend or revoke the person's privilege to
26 operate a motor vehicle under Section 13352.

27 (d) If the driver was operating a commercial vehicle, as defined
28 in Section 15210, at the time of the violation that resulted in the
29 suspension of that person's driving privilege under Section
30 13353.2, the department shall, pursuant to this section, if the
31 person is otherwise eligible, issue the person a class C or class M
32 driver's license restricted in the same manner and subject to the
33 same conditions as specified in subdivision (a), except that the
34 license may not allow travel to and from or in the course of the
35 person's employment.

36 (e) If the holder of a commercial driver's license was operating
37 a motor vehicle, other than a commercial vehicle as defined in
38 Section 15210, at the time of the violation that resulted in the
39 suspension of that person's driving privilege pursuant to Section
40 13353.2, the department shall, pursuant to this section, if the

1 *person is otherwise eligible, issue the person a class C or class M*
2 *driver's license restricted in the same manner and subject to the*
3 *same conditions as specified in subdivision (a).*

4 ~~SEC. 12.~~

5 *SEC. 15.* Section 13386 of the Vehicle Code is amended to
6 read:

7 13386. (a) (1) The department shall certify or cause to be
8 certified ignition interlock devices required by Article 5
9 (commencing with Section 23575) of Chapter 2 of Division 11.5
10 and publish a list of approved devices.

11 (2) (A) The department shall ensure that ignition interlock
12 devices that have been certified according to the requirements of
13 this section continue to meet certification requirements. The
14 department may periodically require manufacturers to indicate in
15 writing whether the devices continue to meet certification
16 requirements.

17 (B) The department may use denial of certification, suspension
18 or revocation of certification, or decertification of an ignition
19 interlock device in another state as an indication that the
20 certification requirements are not met, if either of the following
21 apply:

22 (i) The denial of certification, suspension or revocation of
23 certification, or decertification in another state constitutes a
24 violation by the manufacturer of Article 2.55 (commencing with
25 Section 125.00) of Chapter 1 of Division 1 of Title 13 of the
26 California Code of Regulations.

27 (ii) The denial of certification for an ignition interlock device
28 in another state was due to a failure of an ignition interlock device
29 to meet the standards adopted by the regulation set forth in clause
30 (i), specifically Sections 1 and 2 of the model specification for
31 breath alcohol ignition interlock devices, as published by notice
32 in the Federal Register, Vol. 57, No. 67, Tuesday, April 7, 1992,
33 on pages 11774 to 11787, inclusive.

34 (C) Failure to continue to meet certification requirements shall
35 result in suspension or revocation of certification of ignition
36 interlock devices.

37 (b) (1) A manufacturer shall not furnish an installer, service
38 center, technician, or consumer with technology or information
39 that allows a device to be used in a manner that is contrary to the
40 purpose for which it is certified.

1 (2) Upon a violation of paragraph (1), the department shall
2 suspend or revoke the certification of the ignition interlock device
3 that is the subject of that violation.

4 (c) An installer, service center, or technician shall not tamper
5 with, change, or alter the functionality of the device from its
6 certified criteria.

7 (d) The department shall utilize information from an
8 independent, accredited (ISO/IEC 17025) laboratory to certify
9 ignition interlock devices of the manufacturer or manufacturer's
10 agent, in accordance with the guidelines. The cost of certification
11 shall be borne by the manufacturers of ignition interlock devices.
12 If the certification of a device is suspended or revoked, the
13 manufacturer of the device shall be responsible for, and shall bear
14 the cost of, the removal of the device and the replacement of a
15 certified device of the manufacturer or another manufacturer.

16 (e) No model of ignition interlock device shall be certified unless
17 it meets the accuracy requirements and specifications provided in
18 the guidelines adopted by the National Highway Traffic Safety
19 Administration.

20 (f) All manufacturers of ignition interlock devices that meet the
21 requirements of subdivision (e) and are certified in a manner
22 approved by the department, who intend to market the devices in
23 this state, first shall apply to the department on forms provided by
24 that department. The application shall be accompanied by a fee in
25 an amount not to exceed the amount necessary to cover the costs
26 incurred by the department in carrying out this section.

27 (g) The department shall ensure that standard forms and
28 procedures are developed for documenting decisions and
29 compliance and communicating results to relevant agencies. These
30 forms shall include all of the following:

31 (1) An "Option to Install," to be sent by the department to repeat
32 offenders along with the mandatory order of suspension or
33 revocation. This shall include the alternatives available for early
34 license reinstatement with the installation of an ignition interlock
35 device and shall be accompanied by a toll-free telephone number
36 for each manufacturer of a certified ignition interlock device.
37 Information regarding approved installation locations shall be
38 provided to drivers by manufacturers with ignition interlock devices
39 that have been certified in accordance with this section.

1 (2) A “Verification of Installation” to be returned to the
2 department by the reinstating offender upon application for
3 reinstatement. Copies shall be provided for the manufacturer or
4 the manufacturer’s agent.

5 (3) A “Notice of Noncompliance” and procedures to ensure
6 continued use of the ignition interlock device during the restriction
7 period and to ensure compliance with maintenance requirements.
8 The maintenance period shall be standardized at 60 days to
9 maximize monitoring checks for equipment tampering.

10 (h) Every manufacturer and manufacturer’s agent certified by
11 the department to provide ignition interlock devices shall adopt
12 fee schedules that provide for the payment of the costs of the device
13 by applicants in amounts commensurate with the applicant’s ability
14 to pay.

15 (i) A person who manufacturers, installs, services, or repairs,
16 or otherwise deals in ignition interlock devices shall not disclose,
17 sell, or transfer to a third party any individually identifiable
18 information pertaining to individuals who are required by law to
19 install an ignition interlock device on a vehicle that he or she owns
20 or operates, except to the extent necessary to confirm or deny that
21 an individual has complied with ignition interlock device
22 installation and maintenance requirements.

23 ~~SEC. 13.~~

24 *SEC. 16.* Section 23103.5 of the Vehicle Code is amended to
25 read:

26 23103.5. (a) If the prosecution agrees to a plea of guilty or
27 nolo contendere to a charge of a violation of Section 23103 in
28 satisfaction of, or as a substitute for, an original charge of a
29 violation of Section 23152, the prosecution shall state for the record
30 a factual basis for the satisfaction or substitution, including whether
31 or not there had been consumption of an alcoholic beverage or
32 ingestion or administration of a drug, or both, by the defendant in
33 connection with the offense. The statement shall set forth the facts
34 that show whether or not there was a consumption of an alcoholic
35 beverage or the ingestion or administration of a drug by the
36 defendant in connection with the offense.

37 (b) The court shall advise the defendant, prior to the acceptance
38 of the plea offered pursuant to a factual statement pursuant to
39 subdivision (a), of the consequences of a conviction of a violation
40 of Section 23103 as set forth in subdivision (c).

1 (c) If the court accepts the defendant's plea of guilty or nolo
2 contendere to a charge of a violation of Section 23103 and the
3 prosecutor's statement under subdivision (a) states that there was
4 consumption of an alcoholic beverage or the ingestion or
5 administration of a drug by the defendant in connection with the
6 offense, the resulting conviction shall be a prior offense for the
7 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
8 as specified in those sections.

9 (d) The court shall notify the Department of Motor Vehicles of
10 each conviction of Section 23103 that is required under this section
11 to be a prior offense for purposes of Section 23540, 23546, 23550,
12 23560, 23566, or 23622.

13 (e) Except as provided in paragraph (1) of subdivision (f), if the
14 court places the defendant on probation for a conviction of Section
15 23103 that is required under this section to be a prior offense for
16 purposes of Section 23540, 23546, 23550, 23560, 23566, or 23622,
17 the court shall order the defendant to enroll in an alcohol and drug
18 education program licensed under Chapter 9 (commencing with
19 Section 11836) of Part 2 of Division 10.5 of the Health and Safety
20 Code and complete, at a minimum, the educational component of
21 that program, as a condition of probation. If compelling
22 circumstances exist that mitigate against including the education
23 component in the order, the court may make an affirmative finding
24 to that effect. The court shall state the compelling circumstances
25 and the affirmative finding on the record, and may, in these cases,
26 exclude the educational component from the order.

27 (f) (1) If the court places on probation a defendant convicted
28 of a violation of Section 23103 that is required under this section
29 to be a prior offense for purposes of Section 23540, 23546, 23550,
30 23560, 23566, or 23622, and that offense occurred within 10 years
31 of a separate conviction of a violation of Section 23103, as
32 specified in this section, or within 10 years of a conviction of a
33 violation of Section 23152 or 23153, the court shall order the
34 defendant to participate for nine months or longer, as ordered by
35 the court, in a program licensed under Chapter 9 (commencing
36 with Section 11836) of Part 2 of Division 10.5 of the Health and
37 Safety Code that consists of at least 60 hours of program activities,
38 including education, group counseling, and individual interview
39 sessions.

1 (2) The court shall revoke the person's probation, except for
2 good cause shown, for the failure to enroll in, participate in, or
3 complete a program specified in paragraph (1).

4 (g) Beginning July 1, 2017, the court may require a person
5 convicted of a violation of Section 23103, as described in this
6 section, to install a certified ignition interlock device on any vehicle
7 that the person owns or operates and prohibit that person from
8 operating a motor vehicle unless that vehicle is equipped with a
9 functioning, certified ignition interlock device. If the court orders
10 the ignition interlock device restriction, the term shall be
11 determined by the court for a period of at least three months, but
12 no longer than the term specified in Section 23575.3 that would
13 have applied to the defendant had he or she instead been convicted
14 of a violation of Section 23152, from the date of conviction. The
15 court shall notify the Department of Motor Vehicles, as specified
16 in subdivision (a) of Section 1803, of the terms of the restrictions
17 in accordance with subdivision (a) of Section 1804. The
18 Department of Motor Vehicles shall place the restriction in the
19 person's records in the Department of Motor Vehicles. A person
20 who is required to install an ignition interlock device pursuant to
21 this subdivision shall submit the "Verification of Installation" form
22 described in paragraph (2) of subdivision (g) of Section 13386 and
23 maintain the ignition interlock device as required under subdivision
24 (f) of Section 23575.3. The department shall monitor the
25 installation and maintenance of the ignition interlock device
26 installed pursuant to this subdivision.

27 (h) The Department of Motor Vehicles shall include in its annual
28 report to the Legislature under Section 1821 an evaluation of the
29 effectiveness of the programs described in subdivisions (e) and
30 (g) as to treating persons convicted of violating Section 23103.

31 ~~SEC. 14.~~

32 *SEC. 17.* Section 23247 of the Vehicle Code is amended to
33 read:

34 23247. (a) It is unlawful for a person to knowingly rent, lease,
35 or lend a motor vehicle to another person known to have had his
36 or her driving privilege restricted as provided in Section 13352,
37 23575, or 23700, unless the vehicle is equipped with a functioning,
38 certified ignition interlock device. A person, whose driving
39 privilege is restricted pursuant to Section 13352, 23575, or 23700
40 shall notify any other person who rents, leases, or loans a motor

1 vehicle to him or her of the driving restriction imposed under that
2 section.

3 (b) It is unlawful for any person whose driving privilege is
4 restricted pursuant to Section 13352, 23575, or 23700 to request
5 or solicit any other person to blow into an ignition interlock device
6 or to start a motor vehicle equipped with the device for the purpose
7 of providing the person so restricted with an operable motor
8 vehicle.

9 (c) It is unlawful to blow into an ignition interlock device or to
10 start a motor vehicle equipped with the device for the purpose of
11 providing an operable motor vehicle to a person whose driving
12 privilege is restricted pursuant to Section 13352, 23575, or 23700.

13 (d) It is unlawful to remove, bypass, or tamper with, an ignition
14 interlock device.

15 (e) It is unlawful for any person whose driving privilege is
16 restricted pursuant to Section 13352, 23575, or 23700 to operate
17 any vehicle not equipped with a functioning ignition interlock
18 device.

19 (f) Any person convicted of a violation of this section shall be
20 punished by imprisonment in a county jail for not more than six
21 months or by a fine of not more than five thousand dollars (\$5,000),
22 or by both that fine and imprisonment.

23 (g) (1) If any person whose driving privilege is restricted
24 pursuant to Section 13352 is convicted of a violation of subdivision
25 (e), the court shall notify the Department of Motor Vehicles, which
26 shall immediately terminate the restriction and shall suspend or
27 revoke the person's driving privilege for the remaining period of
28 the originating suspension or revocation and until all reinstatement
29 requirements in Section 13352 are met.

30 (2) If any person who is restricted pursuant to subdivision (a)
31 or (l) of Section 23575 or Section 23700 is convicted of a violation
32 of subdivision (e), the department shall suspend the person's
33 driving privilege for one year from the date of the conviction.

34 (h) Notwithstanding any other law, if a vehicle in which an
35 ignition interlock device has been installed is impounded, the
36 manufacturer or installer of the device shall have the right to
37 remove the device from the vehicle during normal business hours.
38 No charge shall be imposed for the removal of the device nor shall
39 the manufacturer or installer be liable for any removal, towing,
40 impoundment, storage, release, or administrative costs or penalties

1 associated with the impoundment. Upon request, the person seeking
2 to remove the device shall present documentation to justify removal
3 of the device from the vehicle. Any damage to the vehicle resulting
4 from the removal of the device is the responsibility of the person
5 removing it.

6 (i) This section shall become inoperative on July 1, 2017, and,
7 as of January 1, 2018, is repealed, unless a later enacted statute,
8 that becomes operative on or before January 1, 2018, deletes or
9 extends the dates on which it becomes inoperative and is repealed.

10 ~~SEC. 15.~~

11 *SEC. 18.* Section 23247 is added to the Vehicle Code, to read:

12 23247. (a) It is unlawful for a person to knowingly rent, lease,
13 or lend a motor vehicle to another person known to have had his
14 or her driving privilege restricted as provided in Section 13352,
15 13352.4, 23575, 23575.3, or 23700, unless the vehicle is equipped
16 with a functioning, certified ignition interlock device. A person,
17 whose driving privilege is restricted pursuant to Section 13352,
18 13352.4, 23575, 23575.3, or 23700 shall notify any other person
19 who rents, leases, or loans a motor vehicle to him or her of the
20 driving restriction imposed under that section.

21 (b) It is unlawful for any person whose driving privilege is
22 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
23 23700 to request or solicit any other person to blow into an ignition
24 interlock device or to start a motor vehicle equipped with the device
25 for the purpose of providing the person so restricted with an
26 operable motor vehicle.

27 (c) It is unlawful to blow into an ignition interlock device or to
28 start a motor vehicle equipped with the device for the purpose of
29 providing an operable motor vehicle to a person whose driving
30 privilege is restricted pursuant to Section 13352, 13352.4, 23575,
31 23575.3, or 23700.

32 (d) It is unlawful to remove, bypass, or tamper with, an ignition
33 interlock device.

34 (e) It is unlawful for any person whose driving privilege is
35 restricted pursuant to Section 13352, 13352.4, 23575, 23575.3, or
36 23700 to operate any vehicle not equipped with a functioning
37 ignition interlock device.

38 (f) Any person convicted of a violation of this section shall be
39 punished by imprisonment in a county jail for not more than six

1 months or by a fine of not more than five thousand dollars (\$5,000),
2 or by both that fine and imprisonment.

3 (g) (1) If any person whose driving privilege is restricted
4 pursuant to Section 13352 or 13352.4 is convicted of a violation
5 of subdivision (e), the court shall notify the Department of Motor
6 Vehicles, which shall immediately terminate the restriction and
7 shall suspend or revoke the person's driving privilege for the
8 remaining period of the originating suspension or revocation and
9 until all reinstatement requirements in Section 13352 are met.

10 (2) If any person who is restricted pursuant to Section 23575.3,
11 subdivision (a) or (i) of Section 23575, or Section 23700 is
12 convicted of a violation of subdivision (e), the department shall
13 suspend the person's driving privilege for one year from the date
14 of the conviction.

15 (h) Notwithstanding any other law, if a vehicle in which an
16 ignition interlock device has been installed is impounded, the
17 manufacturer or installer of the device shall have the right to
18 remove the device from the vehicle during normal business hours.
19 No charge shall be imposed for the removal of the device nor shall
20 the manufacturer or installer be liable for any removal, towing,
21 impoundment, storage, release, or administrative costs or penalties
22 associated with the impoundment. Upon request, the person seeking
23 to remove the device shall present documentation to justify removal
24 of the device from the vehicle. Any damage to the vehicle resulting
25 from the removal of the device is the responsibility of the person
26 removing it.

27 (i) This section shall become operative on July 1, 2017.

28 ~~SEC. 16.~~

29 *SEC. 19.* Section 23573 of the Vehicle Code is amended to
30 read:

31 23573. (a) The Department of Motor Vehicles, upon receipt
32 of the court's abstract of conviction for a violation listed in
33 subdivision (j), shall inform the convicted person of the
34 requirements of this section and the term for which the person is
35 required to have a certified ignition interlock device installed. The
36 records of the department shall reflect the mandatory use of the
37 device for the term required and the time when the device is
38 required to be installed pursuant to this code.

1 (b) The department shall advise the person that installation of
2 an ignition interlock device on a vehicle does not allow the person
3 to drive without a valid driver's license.

4 (c) A person who is notified by the department pursuant to
5 subdivision (a) shall, within 30 days of notification, complete all
6 of the following:

7 (1) Arrange for each vehicle owned or operated by the person
8 to be fitted with an ignition interlock device by a certified ignition
9 interlock device provider under Section 13386.

10 (2) Notify the department and provide to the department proof
11 of installation by submitting the "Verification of Installation" form
12 described in paragraph (2) of subdivision (g) of Section 13386.

13 (3) Pay to the department a fee sufficient to cover the costs of
14 administration of this section, including startup costs, as determined
15 by the department.

16 (d) The department shall place a restriction on the driver's
17 license record of the convicted person that states the driver is
18 restricted to driving only vehicles equipped with a certified ignition
19 interlock device.

20 (e) (1) A person who is notified by the department pursuant to
21 subdivision (a) shall arrange for each vehicle with an ignition
22 interlock device to be serviced by the installer at least once every
23 60 days in order for the installer to recalibrate and monitor the
24 operation of the device.

25 (2) The installer shall notify the department if the device is
26 removed or indicates that the person has attempted to remove,
27 bypass, or tamper with the device, or if the person fails three or
28 more times to comply with any requirement for the maintenance
29 or calibration of the ignition interlock device.

30 (f) The department shall monitor the installation and
31 maintenance of the ignition interlock device installed pursuant to
32 subdivision (a).

33 (g) (1) A person who is notified by the department, pursuant
34 to subdivision (a), is exempt from the requirements of subdivision
35 (c) if all of the following circumstances occur:

36 (A) Within 30 days of the notification, the person certifies to
37 the department all of the following:

38 (i) The person does not own a vehicle.

39 (ii) The person does not have access to a vehicle at his or her
40 residence.

1 (iii) The person no longer has access to the vehicle being driven
2 by the person when he or she was arrested for a violation that
3 subsequently resulted in a conviction for a violation listed in
4 subdivision (j).

5 (iv) The person acknowledges that he or she is only allowed to
6 drive a vehicle that is fitted with an operating ignition interlock
7 device and that he or she is required to have a valid driver's license
8 before he or she can drive.

9 (v) The person is subject to the requirements of this section
10 when he or she purchases or has access to a vehicle.

11 (B) The person's driver's license record has been restricted
12 pursuant to subdivision (d).

13 (C) The person complies with this section immediately upon
14 commencing ownership or operation of a vehicle subject to the
15 required installation of an ignition interlock device.

16 (2) A person who has been granted an exemption pursuant to
17 this subdivision and who subsequently drives a vehicle in violation
18 of the exemption is subject to the penalties of subdivision (i) in
19 addition to any other applicable penalties in law.

20 (h) This section does not permit a person to drive without a
21 valid driver's license.

22 (i) A person who is required under subdivision (c) to install an
23 ignition interlock device who willfully fails to install the ignition
24 interlock device within the time period required under subdivision
25 (c) is guilty of a misdemeanor and shall be punished by
26 imprisonment in a county jail for not more than six months or by
27 a fine of not more than five thousand dollars (\$5,000), or by both
28 that fine and imprisonment.

29 (j) In addition to all other requirements of this code, a person
30 convicted of any of the following violations shall be punished as
31 follows:

32 (1) Upon a conviction of a violation of Section 14601.2,
33 14601.4, or 14601.5 subsequent to one prior conviction of a
34 violation of Section 23103.5, 23152, or 23153, within a 10-year
35 period, the person shall immediately install a certified ignition
36 interlock device, pursuant to this section, in all vehicles owned or
37 operated by that person for a term of one year.

38 (2) Upon a conviction of a violation of Section 14601.2,
39 14601.4, or 14601.5 subsequent to two prior convictions of a
40 violation of Section 23103.5, 23152, or 23153, within a 10-year

1 period, or one prior conviction of Section 14601.2, 14601.4, or
2 14601.5, within a 10-year period, the person shall immediately
3 install a certified ignition interlock device, pursuant to this section,
4 in all vehicles owned or operated by that person for a term of two
5 years.

6 (3) Upon a conviction of a violation of Section 14601.2,
7 14601.4, or 14601.5 subsequent to three or more prior convictions
8 of a violation of Section 23103.5, 23152, or 23153, within a
9 10-year period, or two or more prior convictions of Section
10 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
11 shall immediately install a certified ignition interlock device,
12 pursuant to this section, in all vehicles owned or operated by that
13 person for a term of three years.

14 (k) The department shall notify the court if a person subject to
15 this section has failed to show proof of installation within 30 days
16 of the department informing the person he or she is required to
17 install a certified ignition interlock device.

18 (l) Subdivisions (j), (k), (m), (n), and (o) of Section 23575 apply
19 to this section.

20 (m) The requirements of this section are in addition to any other
21 requirements of law.

22 (n) This section shall become inoperative on July 1, 2017, and,
23 as of January 1, 2018, is repealed, unless a later enacted statute,
24 that becomes operative on or before January 1, 2018, deletes or
25 extends the dates on which it becomes inoperative and is repealed.

26 ~~SEC. 17.~~

27 *SEC. 20.* Section 23573 is added to the Vehicle Code, to read:

28 23573. (a) The Department of Motor Vehicles, upon receipt
29 of the court's abstract of conviction for a violation listed in
30 subdivision (j), shall inform the convicted person of the
31 requirements of this section and the term for which the person is
32 required to have a certified ignition interlock device installed. The
33 records of the department shall reflect the mandatory use of the
34 device for the term required and the time when the device is
35 required to be installed pursuant to this code.

36 (b) The department shall advise the person that installation of
37 an ignition interlock device on a vehicle does not allow the person
38 to drive without a valid driver's license.

1 (c) A person who is notified by the department pursuant to
2 subdivision (a) shall, within 30 days of notification, complete all
3 of the following:

4 (1) Arrange for each vehicle owned or operated by the person
5 to be fitted with an ignition interlock device by a certified ignition
6 interlock device provider under Section 13386.

7 (2) Notify the department and provide to the department proof
8 of installation by submitting the “Verification of Installation” form
9 described in paragraph (2) of subdivision (g) of Section 13386.

10 (3) Pay to the department a fee sufficient to cover the costs of
11 administration of this section, including startup costs, as determined
12 by the department.

13 (d) The department shall place a restriction on the driver’s
14 license record of the convicted person that states the driver is
15 restricted to driving only vehicles equipped with a certified ignition
16 interlock device.

17 (e) (1) A person who is notified by the department pursuant to
18 subdivision (a) shall arrange for each vehicle with an ignition
19 interlock device to be serviced by the installer at least once every
20 45 days in order for the installer to recalibrate and monitor the
21 operation of the device.

22 (2) The installer shall notify the department if the device is
23 removed or indicates that the person has attempted to remove,
24 bypass, or tamper with the device, or if the person fails three or
25 more times to comply with any requirement for the maintenance
26 or calibration of the ignition interlock device.

27 (f) The department shall monitor the installation and
28 maintenance of the ignition interlock device installed pursuant to
29 subdivision (a).

30 (g) (1) A person who is notified by the department, pursuant
31 to subdivision (a), is exempt from the requirements of subdivision
32 (c) if all of the following circumstances occur:

33 (A) Within 45 days of the notification, the person certifies to
34 the department all of the following:

35 (i) The person does not own a vehicle.

36 (ii) The person does not have access to a vehicle at his or her
37 residence.

38 (iii) The person no longer has access to the vehicle being driven
39 by the person when he or she was arrested for a violation that

1 subsequently resulted in a conviction for a violation listed in
2 subdivision (j).

3 (iv) The person acknowledges that he or she is only allowed to
4 drive a vehicle that is fitted with an operating ignition interlock
5 device and that he or she is required to have a valid driver's license
6 before he or she can drive.

7 (v) The person is subject to the requirements of this section
8 when he or she purchases or has access to a vehicle.

9 (B) The person's driver's license record has been restricted
10 pursuant to subdivision (d).

11 (C) The person complies with this section immediately upon
12 commencing ownership or operation of a vehicle subject to the
13 required installation of an ignition interlock device.

14 (2) A person who has been granted an exemption pursuant to
15 this subdivision and who subsequently drives a vehicle in violation
16 of the exemption is subject to the penalties of subdivision (i) in
17 addition to any other applicable penalties in law.

18 (h) This section does not permit a person to drive without a
19 valid driver's license.

20 (i) A person who is required under subdivision (c) to install an
21 ignition interlock device who willfully fails to install the ignition
22 interlock device within the time period required under subdivision
23 (c) is guilty of a misdemeanor and shall be punished by
24 imprisonment in a county jail for not more than six months or by
25 a fine of not more than five thousand dollars (\$5,000), or by both
26 that fine and imprisonment.

27 (j) In addition to all other requirements of this code, a person
28 convicted of any of the following violations shall be punished as
29 follows:

30 (1) Upon a conviction of a violation of Section 14601.2,
31 14601.4, or 14601.5 subsequent to one prior conviction of a
32 violation of Section 23103.5, 23152, or 23153, within a 10-year
33 period, the person shall immediately install a certified ignition
34 interlock device, pursuant to this section, in all vehicles owned or
35 operated by that person for a term of one year.

36 (2) Upon a conviction of a violation of Section 14601.2,
37 14601.4, or 14601.5 subsequent to two prior convictions of a
38 violation of Section 23103.5, 23152, or 23153, within a 10-year
39 period, or one prior conviction of Section 14601.2, 14601.4, or
40 14601.5, within a 10-year period, the person shall immediately

1 install a certified ignition interlock device, pursuant to this section,
2 in all vehicles owned or operated by that person for a term of two
3 years.

4 (3) Upon a conviction of a violation of Section 14601.2,
5 14601.4, or 14601.5 subsequent to three or more prior convictions
6 of a violation of Section 23103.5, 23152, or 23153, within a
7 10-year period, or two or more prior convictions of Section
8 14601.2, 14601.4, or 14601.5, within a 10-year period, the person
9 shall immediately install a certified ignition interlock device,
10 pursuant to this section, in all vehicles owned or operated by that
11 person for a term of three years.

12 (k) The department shall notify the court if a person subject to
13 this section has failed to show proof of installation within 30 days
14 of the department informing the person he or she is required to
15 install a certified ignition interlock device.

16 (l) Subdivisions (g), (h), (j), (k), and (l) of Section 23575 apply
17 to this section.

18 (m) The requirements of this section are in addition to any other
19 requirements of law.

20 (n) This section shall become operative on July 1, 2017.

21 ~~SEC. 18.~~

22 *SEC. 21.* Section 23575 of the Vehicle Code is amended to
23 read:

24 23575. (a) (1) In addition to any other law, the court may
25 require that a person convicted of a first offense violation of
26 Section 23152 or 23153 install a certified ignition interlock device
27 on any vehicle that the person owns or operates and prohibit that
28 person from operating a motor vehicle unless that vehicle is
29 equipped with a functioning, certified ignition interlock device.
30 The court shall give heightened consideration to applying this
31 sanction to a first offense violator with 0.15 percent or more, by
32 weight, of alcohol in his or her blood at arrest, or with two or more
33 prior moving traffic violations, or to persons who refused the
34 chemical tests at arrest. If the court orders the ignition interlock
35 device restriction, the term shall be determined by the court for a
36 period not to exceed three years from the date of conviction. The
37 court shall notify the Department of Motor Vehicles, as specified
38 in subdivision (a) of Section 1803, of the terms of the restrictions
39 in accordance with subdivision (a) of Section 1804. The

1 Department of Motor Vehicles shall place the restriction in the
2 person's records in the Department of Motor Vehicles.

3 (2) The court shall require a person convicted of a violation of
4 Section 14601.2 to install an ignition interlock device on any
5 vehicle that the person owns or operates and prohibit the person
6 from operating a motor vehicle unless the vehicle is equipped with
7 a functioning, certified ignition interlock device. The term of the
8 restriction shall be determined by the court for a period not to
9 exceed three years from the date of conviction. The court shall
10 notify the Department of Motor Vehicles, as specified in
11 subdivision (a) of Section 1803, of the terms of the restrictions in
12 accordance with subdivision (a) of Section 1804. The Department
13 of Motor Vehicles shall place the restriction in the person's records
14 in the Department of Motor Vehicles.

15 (b) The court shall include on the abstract of conviction or
16 violation submitted to the Department of Motor Vehicles under
17 Section 1803 or 1816 the requirement and term for the use of a
18 certified ignition interlock device. The records of the department
19 shall reflect mandatory use of the device for the term ordered by
20 the court.

21 (c) The court shall advise the person that installation of an
22 ignition interlock device on a vehicle does not allow the person to
23 drive without a valid driver's license.

24 (d) A person whose driving privilege is restricted by the court
25 pursuant to this section shall arrange for each vehicle with an
26 ignition interlock device to be serviced by the installer at least
27 once every 60 days in order for the installer to recalibrate and
28 monitor the operation of the device. The installer shall notify the
29 court if the device is removed or indicates that the person has
30 attempted to remove, bypass, or tamper with the device, or if the
31 person fails three or more times to comply with a requirement for
32 the maintenance or calibration of the ignition interlock device.
33 There is no obligation for the installer to notify the court if the
34 person has complied with all of the requirements of this article.

35 (e) The court shall monitor the installation and maintenance of
36 an ignition interlock device restriction ordered pursuant to
37 subdivision (a) or (l). If a person fails to comply with the court
38 order, the court shall give notice of the fact to the department
39 pursuant to Section 40509.1.

(f) (1) If a person is convicted of a violation of Section 23152 or 23153 and the offense occurred within 10 years of one or more separate violations of Section 23152 or 23153 that resulted in a conviction, or if a person is convicted of a violation of Section 23103, as specified in Section 23103.5, and is suspended for one year under Section 13353.3, the person may apply to the Department of Motor Vehicles for a restricted driver's license pursuant to Section 13352 or 13353.3 that prohibits the person from operating a motor vehicle unless that vehicle is equipped with a functioning ignition interlock device, certified pursuant to Section 13386. The restriction shall remain in effect for at least the remaining period of the original suspension or revocation and until all reinstatement requirements in Section 13352 or 13353.4 are met.

(2) Pursuant to subdivision (g), the Department of Motor Vehicles shall immediately terminate the restriction issued pursuant to Section 13352 or 13353.3 and shall immediately suspend or revoke the privilege to operate a motor vehicle of a person who attempts to remove, bypass, or tamper with the device, who has the device removed prior to the termination date of the restriction, or who fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device ordered pursuant to Section 13352 or 13353.3. The privilege shall remain suspended or revoked for the remaining period of the originating suspension or revocation and until all reinstatement requirements in Section 13352 or 13353.4 are met.

(g) A person whose driving privilege is restricted by the Department of Motor Vehicles pursuant to Section 13352 or 13353.3 shall arrange for each vehicle with an ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate the device and monitor the operation of the device. The installer shall notify the Department of Motor Vehicles if the device is removed or indicates that the person has attempted to remove, bypass, or tamper with the device, or if the person fails three or more times to comply with any requirement for the maintenance or calibration of the ignition interlock device. There is no obligation on the part of the installer to notify the department or the court if the person has complied with all of the requirements of this section.

1 (h) Nothing in this section permits a person to drive without a
2 valid driver's license.

3 (i) The Department of Motor Vehicles shall include information
4 along with the order of suspension or revocation for repeat
5 offenders informing them that after a specified period of suspension
6 or revocation has been completed, the person may either install an
7 ignition interlock device on any vehicle that the person owns or
8 operates or remain with a suspended or revoked driver's license.

9 (j) Pursuant to this section, an out-of-state resident who
10 otherwise would qualify for an ignition interlock device restricted
11 license in California shall be prohibited from operating a motor
12 vehicle in California unless that vehicle is equipped with a
13 functioning ignition interlock device. An ignition interlock device
14 is not required to be installed on any vehicle owned by the
15 defendant that is not driven in California.

16 (k) If a medical problem does not permit a person to breathe
17 with sufficient strength to activate the device, that person shall
18 only have the suspension option.

19 (l) This section does not restrict a court from requiring
20 installation of an ignition interlock device and prohibiting operation
21 of a motor vehicle unless that vehicle is equipped with a
22 functioning, certified ignition interlock device for a person to
23 whom subdivision (a) or (b) does not apply. The term of the
24 restriction shall be determined by the court for a period not to
25 exceed three years from the date of conviction. The court shall
26 notify the Department of Motor Vehicles, as specified in
27 subdivision (a) of Section 1803, of the terms of the restrictions in
28 accordance with subdivision (a) of Section 1804. The Department
29 of Motor Vehicles shall place the restriction in the person's records
30 in the Department of Motor Vehicles.

31 (m) For the purposes of this section, "vehicle" does not include
32 a motorcycle until the state certifies an ignition interlock device
33 that can be installed on a motorcycle. Any person subject to an
34 ignition interlock device restriction shall not operate a motorcycle
35 for the duration of the ignition interlock device restriction period.

36 (n) For the purposes of this section, "owned" means solely
37 owned or owned in conjunction with another person or legal entity.
38 For purposes of this section, "operates" includes operating a vehicle
39 that is not owned by the person subject to this section.

(o) For the purposes of this section, “bypass” includes, but is not limited to, either of the following:

(1) A combination of failing or not taking the ignition interlock device rolling retest three consecutive times.

(2) An incidence of failing or not taking the ignition interlock device rolling retest, when not followed by an incidence of passing the ignition interlock rolling retest prior to turning off the vehicle’s engine.

(p) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 19.~~

SEC. 22. Section 23575 is added to the Vehicle Code, to read:

23575. (a) The court shall require a person convicted of a violation of Section 14601.2 to install an ignition interlock device on any vehicle that the person owns or operates and prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device. The term of the restriction shall be determined by the court for a period not to exceed three years from the date of conviction. The court shall notify the Department of Motor Vehicles, as specified in subdivision (a) of Section 1803, of the terms of the restrictions in accordance with subdivision (a) of Section 1804. The Department of Motor Vehicles shall place the restriction in the person’s records in the Department of Motor Vehicles.

(b) The court shall include on the abstract of conviction or violation submitted to the Department of Motor Vehicles under Section 1803 or 1816 the requirement and term for the use of a certified ignition interlock device. The records of the department shall reflect mandatory use of the device for the term ordered by the court.

(c) The court shall advise the person that installation of an ignition interlock device on a vehicle does not allow the person to drive without a valid driver’s license.

(d) A person whose driving privilege is restricted by the court pursuant to this section shall arrange for each vehicle with an ignition interlock device to be serviced by the installer at least once every 60 days in order for the installer to recalibrate and monitor the operation of the device. The installer shall notify the

1 court if the device is removed or indicates that the person has
2 attempted to remove, bypass, or tamper with the device, or if the
3 person fails three or more times to comply with a requirement for
4 the maintenance or calibration of the ignition interlock device.
5 There is no obligation for the installer to notify the court if the
6 person has complied with all of the requirements of this article.

7 (e) The court shall monitor the installation and maintenance of
8 an ignition interlock device restriction ordered pursuant to
9 subdivision (a) or (i). If a person fails to comply with the court
10 order, the court shall give notice of the fact to the department
11 pursuant to Section 40509.1.

12 (f) Nothing in this section permits a person to drive without a
13 valid driver's license.

14 (g) Pursuant to this section, an out-of-state resident who
15 otherwise would qualify for an ignition interlock device restricted
16 license in California shall be prohibited from operating a motor
17 vehicle in California unless that vehicle is equipped with a
18 functioning ignition interlock device. An ignition interlock device
19 is not required to be installed on any vehicle owned by the
20 defendant that is not driven in California.

21 (h) If a medical problem does not permit a person to breathe
22 with sufficient strength to activate the device, that person shall
23 only have the suspension option.

24 (i) This section does not restrict a court from requiring
25 installation of an ignition interlock device and prohibiting operation
26 of a motor vehicle unless that vehicle is equipped with a
27 functioning, certified ignition interlock device for a person to
28 whom subdivision (a) does not apply. The term of the restriction
29 shall be determined by the court for a period not to exceed three
30 years from the date of conviction. The court shall notify the
31 Department of Motor Vehicles, as specified in subdivision (a) of
32 Section 1803, of the terms of the restrictions in accordance with
33 subdivision (a) of Section 1804. The Department of Motor Vehicles
34 shall place the restriction in the person's records in the Department
35 of Motor Vehicles.

36 (j) For the purposes of this section, "vehicle" does not include
37 a motorcycle until the state certifies an ignition interlock device
38 that can be installed on a motorcycle. Any person subject to an
39 ignition interlock device restriction shall not operate a motorcycle
40 for the duration of the ignition interlock device restriction period.

(k) For the purposes of this section, “owned” means solely owned or owned in conjunction with another person or legal entity. For purposes of this section, “operates” includes operating a vehicle that is not owned by the person subject to this section.

(l) For the purposes of this section, “bypass” includes, but is not limited to, either of the following:

(1) A combination of failing or not taking the ignition interlock device rolling retest three consecutive times.

(2) An incidence of failing or not taking the ignition interlock device rolling retest, when not followed by an incidence of passing the ignition interlock rolling retest prior to turning off the vehicle’s engine.

(m) This section shall become operative on July 1, 2017.

~~SEC. 20.~~

SEC. 23. Section 23575.3 is added to the Vehicle Code, to read:

23575.3. (a) In addition to any other requirement imposed by law, a court shall notify a person convicted of a violation listed in subdivision (h) that he or she is required to install a certified ignition interlock device on any vehicle that the person owns or operates and that he or she is prohibited from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device in accordance with this section.

(b) The Department of Motor Vehicles, upon receipt of the court’s abstract of conviction for a violation listed in subdivision (h), shall inform the convicted person of the requirements of this section, including the term for which the person is required to have a certified ignition interlock device installed. The records of the department shall reflect the mandatory use of the device for the term required and the time when the device is required to be installed by this code.

(c) The department shall advise the person that installation of an ignition interlock device on a vehicle does not allow the person to drive without a valid driver’s license.

(d) (1) A person who is notified by the department pursuant to subdivision (b) shall do all of the following:

(A) Arrange for each vehicle owned or operated by the person to be equipped with a functioning ignition interlock device by a certified ignition interlock device provider under Section 13386.

1 (B) Provide to the department proof of installation by submitting
2 the “Verification of Installation” form described in paragraph (2)
3 of subdivision (g) of Section 13386.

4 (C) Pay a fee, determined by the department, that is sufficient
5 to cover the costs of administration of this section.

6 (2) A person who is notified by the department pursuant to
7 subdivision (b), is exempt from the requirements of this subdivision
8 until the time he or she purchases or has access to a vehicle if,
9 within 30 days of the notification, the person certifies to the
10 department all of the following:

11 (A) The person does not own a vehicle.

12 (B) The person does not have access to a vehicle at his or her
13 residence.

14 (C) The person no longer has access to the vehicle he or she
15 was driving at the time he or she was arrested for a violation that
16 subsequently resulted in a conviction for a violation listed in
17 subdivision (h).

18 (D) The person acknowledges that he or she is only allowed to
19 drive a vehicle that is equipped with a functioning ignition interlock
20 device.

21 (E) The person acknowledges that he or she is required to have
22 a valid driver’s license before he or she can drive.

23 (F) The person acknowledges that he or she is subject to the
24 requirements of this section when he or she purchases or has access
25 to a vehicle.

26 (e) In addition to any other restrictions the department places
27 on the driver’s license record of the convicted person when the
28 person is issued a restricted driver’s license pursuant to Section
29 13352 or 13352.4, the department shall place a restriction on the
30 driver’s license record of the person that states the driver is
31 restricted to driving only vehicles equipped with a certified ignition
32 interlock device for the applicable term.

33 (f) (1) A person who is notified by the department pursuant to
34 subdivision (b) shall arrange for each vehicle with an ignition
35 interlock device to be serviced by the installer at least once every
36 60 days in order for the installer to recalibrate and monitor the
37 operation of the device.

38 (2) The installer shall notify the department if the device is
39 removed or indicates that the person has attempted to remove,
40 bypass, or tamper with the device, or if the person fails three or

1 more times to comply with any requirement for the maintenance
2 or calibration of the ignition interlock device.

3 (g) The department shall monitor the installation and
4 maintenance of the ignition interlock device installed pursuant to
5 subdivision (d).

6 (h) A person is required to install an ignition interlock device
7 pursuant to this section for the applicable term, as follows:

8 (1) A person convicted of a violation of subdivision (a), (b),
9 (d), or (f) of Section 23152 shall be required to install an ignition
10 interlock device, as follows:

11 (A) Upon a conviction with no priors, the person shall install
12 an ignition interlock device in all vehicles owned or operated by
13 that person for a mandatory term of six months.

14 (B) Upon a conviction with one prior, the person shall install
15 an ignition interlock device in all vehicles owned or operated by
16 that person for a mandatory term of 12 months.

17 (C) Upon a conviction with two priors, the person shall install
18 an ignition interlock device in all vehicles owned or operated by
19 that person for a mandatory term of 24 months.

20 (D) Upon a conviction with three or more priors, the person
21 shall install an ignition interlock device in all vehicles owned or
22 operated by that person for a mandatory term of 36 months.

23 (2) A person convicted of a violation of (a), (b), (d), or (f) of
24 Section 23153 shall install an ignition interlock device, as follows:

25 (A) Upon a conviction with no priors, the person shall install
26 an ignition interlock device in all vehicles owned or operated by
27 that person for a mandatory term of 12 months.

28 (B) Upon a conviction with one prior, the person shall install
29 an ignition interlock device in all vehicles owned or operated by
30 that person for a mandatory term of 24 months.

31 (C) Upon a conviction with two priors, the person shall install
32 an ignition interlock device in all vehicles owned or operated by
33 that person for a mandatory term of 36 months.

34 (D) Upon a conviction with three or more priors, the person
35 shall install an ignition interlock device in all vehicles owned or
36 operated by that person for a mandatory term of 48 months.

37 (3) For the purposes of paragraphs (1) and (2), “prior” means
38 a conviction for a violation of Section 23103, as specified in
39 Section 23103.5, or Section 23140, 23152, or 23153, or Section
40 191.5 or subdivision (a) of Section 192.5 of the Penal Code.

(4) The terms prescribed in this subdivision shall begin once a person has complied with subparagraph (B) of paragraph (1) of subdivision (d) and either upon the reinstatement of the privilege to drive pursuant to Section 13352 or the issuance of a restricted driver's license pursuant to Section 13352 or 13352.4. A person shall receive credit for any period in which he or she had a restricted driver's license issued pursuant to Section 13353.3 or 13353.7 and he or she was in compliance with Section 13353.6.

(i) Subdivisions (g), (h), (j), and (k) of Section 23575 apply to this section.

(j) If a person fails to comply with any of the requirements regarding ignition interlock devices, the period in which the person was not in compliance shall not be credited towards the mandatory term for which the ignition interlock device is required to be installed.

(k) (1) Every manufacturer and manufacturer's agent certified by the department to provide ignition interlock devices, under Section 13386, shall adopt the following fee schedule that provides for the payment of the costs of the ignition interlock device by offenders subject to this chapter in amounts commensurate with that person's income relative to the federal poverty level, as defined in Section 127400 of the Health and Safety Code:

(A) A person with an income at 100 percent of the federal poverty level and below is responsible for 10 percent of the cost of the ignition interlock device. The ignition interlock device provider is responsible for absorbing the cost of the ignition interlock device that is not paid by the person.

(B) A person with an income at 101 to 200 percent of the federal poverty level is responsible for 25 percent of the cost of the ignition interlock device. The ignition interlock device provider is responsible for absorbing the cost of the ignition interlock device that is not paid by the person.

(C) A person with an income at 201 to 300 percent of the federal poverty level is responsible for 50 percent of the cost of the ignition interlock device. The ignition interlock device provider is responsible for absorbing the cost of the ignition interlock device that is not paid by the person.

(D) A person with an income at 301 to 400 percent of the federal poverty level is responsible for 90 percent of the cost of the ignition interlock device. The ignition interlock device provider is

1 responsible for absorbing the cost of the ignition interlock device
2 that is not paid by the person.

3 (E) All other offenders are responsible for 100 percent of the
4 cost of the ignition interlock device.

5 (2) The cost of the ignition interlock device may only be raised
6 annually equal to the Consumer Price Index.

7 ~~(3) The offender's income may be verified by presentation of~~
8 ~~that person's current federal income tax return or three months of~~
9 ~~monthly income statements.~~

10 (3) *The ignition interlock device provider shall verify the*
11 *offender's income to determine the cost of the ignition interlock*
12 *device pursuant to this subdivision by verifying either of the*
13 *following documents from the offender:*

14 (A) *Current federal income tax return.*

15 (B) *Three months of monthly income statements.*

16 (I) This section does not permit a person to drive without a valid
17 driver's license.

18 (m) The requirements of this section are in addition to any other
19 requirements of law.

20 (n) For the purposes of this section, "vehicle" does not include
21 a motorcycle until the state certifies an ignition interlock device
22 that can be installed on a motorcycle. A person subject to an
23 ignition interlock device restriction shall not operate a motorcycle
24 for the duration of the ignition interlock device restriction period.

25 (o) This section shall become operative on July 1, 2017.

26 ~~SEC. 21:~~

27 *SEC. 24.* Section 23575.5 is added to the Vehicle Code, to
28 read:

29 23575.5. (a) On or before June 1, 2021, the Department of
30 Motor Vehicles shall report to the Legislature regarding the
31 implementation and efficacy of the program enacted by the act
32 that added this section.

33 (b) The report described in subdivision (a) shall, at a minimum,
34 include all of the following:

35 (1) Whether anyone who was required to have an ignition
36 interlock device installed as a result of the program killed or injured
37 anyone in an accident while he or she was operating a vehicle
38 under the influence of alcohol.

39 (2) Whether anyone who was required to have an ignition
40 interlock device installed as a result of the program was convicted

1 of an alcohol-related violation of Section 23103, as specified in
2 Section 23103.5, or Section 23140, 23152, or 23153, or Section
3 191.5 or subdivision (a) of Section 192.5 of the Penal Code during
4 the term in which the person was required to have the ignition
5 interlock device installed.

6 (3) A comparison of the number of injuries and deaths resulting
7 from alcohol-related motor vehicle accidents between July 1, 2017,
8 and January 1, 2021, inclusive, and during periods of similar
9 duration prior to the implementation of the program.

10 (4) A comparison of the number of individuals who have been
11 convicted more than one time for driving under the influence of
12 alcohol between July 1, 2017, and January 1, 2021, inclusive, and
13 periods of similar duration prior to the implementation of the
14 program.

15 (c) The report described in subdivision (a) shall be submitted
16 in compliance with Section 9795 of the Government Code.

17 (d) (1) This section shall become operative on July 1, 2017.

18 (2) Pursuant to Section 10231.5 of the Government Code, this
19 section shall become inoperative on June 1, 2025, and, as of
20 January 1, 2026, is repealed, unless a later enacted statute, that
21 becomes operative on or before January 1, 2026, deletes or extends
22 the dates on which it becomes inoperative and is repealed.

23 ~~SEC. 22.~~

24 SEC. 25. Section 23576 of the Vehicle Code is amended to
25 read:

26 23576. (a) Notwithstanding Sections 23575 and 23700, if a
27 person is required to operate a motor vehicle in the course and
28 scope of his or her employment and if the vehicle is owned by the
29 employer, the person may operate that vehicle without installation
30 of an approved ignition interlock device if the employer has been
31 notified by the person that the person's driving privilege has been
32 restricted pursuant to Section 23575 or 23700 and if the person
33 has proof of that notification in his or her possession, or if the
34 notice, or a facsimile copy thereof, is with the vehicle.

35 (b) A motor vehicle owned by a business entity that is all or
36 partly owned or controlled by a person otherwise subject to Section
37 23575 or 23700, is not a motor vehicle owned by the employer
38 subject to the exemption in subdivision (a).

39 (c) This section shall become inoperative on July 1, 2017, and,
40 as of January 1, 2018, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2017, deletes or
2 extends the dates on which it becomes inoperative and is repealed.

3 ~~SEC. 23.~~

4 *SEC. 26.* Section 23576 is added to the Vehicle Code, to read:

5 23576. (a) Notwithstanding Sections 23575, 23575.3, and
6 23700, if a person is required to operate a motor vehicle in the
7 course and scope of his or her employment and if the vehicle is
8 owned by the employer, the person may operate that vehicle
9 without installation of an approved ignition interlock device if the
10 employer has been notified by the person that the person's driving
11 privilege has been restricted pursuant to Section 23575, 23575.3,
12 or 23700 and if the person has proof of that notification in his or
13 her possession, or if the notice, or a facsimile copy thereof, is with
14 the vehicle.

15 (b) A motor vehicle owned by a business entity that is all or
16 partly owned or controlled by a person otherwise subject to Section
17 23575, 23575.3, or 23700, is not a motor vehicle owned by the
18 employer subject to the exemption in subdivision (a).

19 (c) This section shall become operative on July 1, 2017.

20 ~~SEC. 24.~~

21 *SEC. 27.* Section 23597 of the Vehicle Code is amended to
22 read:

23 23597. (a) Notwithstanding Sections 13202.5, 13203, and
24 13352, a court may order a 10-year revocation of the driver's
25 license of a person who has been convicted of three or more
26 separate violations of Section 23152 or 23153, the last of which
27 is punishable under Section 23546, 23550, 23550.5, or 23566.
28 When making this order, the court shall consider all of the
29 following:

30 (1) The person's level of remorse for the acts.

31 (2) The period of time that has elapsed since the person's
32 previous convictions.

33 (3) The person's blood-alcohol level at the time of the violation.

34 (4) The person's participation in an alcohol treatment program.

35 (5) The person's risk to traffic or public safety.

36 (6) The person's ability to install a certified ignition interlock
37 device in each motor vehicle that he or she owns or operates.

38 (b) Upon receipt of a duly certified abstract of the record of the
39 court showing the court has ordered a 10-year revocation of a
40 driver's license pursuant to this section, the department shall revoke

1 the person's driver's license for 10 years, except as provided in
2 subdivision (c).

3 (c) (1) Five years from the date of the last conviction of a
4 violation of Section 23152 or 23153, a person whose license was
5 revoked pursuant to subdivision (a) may apply to the department
6 to have his or her privilege to operate a motor vehicle reinstated,
7 subject to the condition that the person submits the "Verification
8 of Installation" form described in paragraph (2) of subdivision (g)
9 of Section 13386 and agrees to maintain the ignition interlock
10 device as required under subdivision (g) of Section 23575.
11 Notwithstanding Chapter 5 (commencing with Section 23700) or
12 subdivision (f) of Section 23575, the ignition interlock device shall
13 remain on the person's motor vehicle for two years following the
14 reinstatement of the person's driving privilege pursuant to this
15 section.

16 (2) The department shall reinstate the person's license pursuant
17 to paragraph (1), if the person satisfies all of the following
18 conditions:

19 (A) The person was not convicted of any drug- or alcohol-related
20 offenses, under state law, during the driver's license revocation
21 period.

22 (B) The person successfully completed a
23 driving-under-the-influence program, licensed pursuant to Section
24 11836 of the Health and Safety Code, following the date of the
25 last conviction of a violation of Section 23152 or 23153.

26 (C) The person was not convicted of violating Section 14601,
27 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license
28 revocation period.

29 (3) The department shall immediately terminate the restriction
30 issued pursuant to this section and shall immediately revoke the
31 privilege to operate a motor vehicle of a person who attempts to
32 remove, bypass, or tamper with the device, who has the device
33 removed prior to the termination date of the restriction, or who
34 fails three or more times to comply with any requirement for the
35 maintenance or calibration of the ignition interlock device. The
36 privilege shall remain revoked for the remaining period of the
37 original revocation and until all reinstatement requirements are
38 met.

39 (d) This section shall become inoperative on July 1, 2017, and,
40 as of January 1, 2018, is repealed, unless a later enacted statute,

1 that becomes operative on or before January 1, 2018, deletes or
2 extends the dates on which it becomes inoperative and is repealed.

3 ~~SEC. 25.~~

4 *SEC. 28.* Section 23597 is added to the Vehicle Code, to read:

5 23597. (a) Notwithstanding Sections 13202.5, 13203, and
6 13352, a court may order a 10-year revocation of the driver's
7 license of a person who has been convicted of three or more
8 separate violations of Section 23152 or 23153, the last of which
9 is punishable under Section 23546, 23550, 23550.5, or 23566.
10 When making this order, the court shall consider all of the
11 following:

12 (1) The person's level of remorse for the acts.

13 (2) The period of time that has elapsed since the person's
14 previous convictions.

15 (3) The person's blood-alcohol level at the time of the violation.

16 (4) The person's participation in an alcohol treatment program.

17 (5) The person's risk to traffic or public safety.

18 (6) The person's ability to install a certified ignition interlock
19 device in each motor vehicle that he or she owns or operates.

20 (b) Upon receipt of a duly certified abstract of the record of the
21 court showing the court has ordered a 10-year revocation of a
22 driver's license pursuant to this section, the department shall revoke
23 the person's driver's license for 10 years, except as provided in
24 subdivision (c).

25 (c) (1) Five years from the date of the last conviction of a
26 violation of Section 23152 or 23153, a person whose license was
27 revoked pursuant to subdivision (a) may apply to the department
28 to have his or her privilege to operate a motor vehicle reinstated,
29 subject to the condition that the person submits the "Verification
30 of Installation" form described in paragraph (2) of subdivision (g)
31 of Section 13386 and agrees to maintain the ignition interlock
32 device as required under subdivision (f) of Section 23575.3.
33 Notwithstanding Chapter 5 (commencing with Section 23700) or
34 Section 23575.3, the ignition interlock device shall remain on the
35 person's motor vehicle for two years following the reinstatement
36 of the person's driving privilege pursuant to this section.

37 (2) The department shall reinstate the person's license pursuant
38 to paragraph (1), if the person satisfies all of the following
39 conditions:

1 (A) The person was not convicted of any drug- or alcohol-related
2 offenses, under state law, during the driver's license revocation
3 period.

4 (B) The person successfully completed a
5 driving-under-the-influence program, licensed pursuant to Section
6 11836 of the Health and Safety Code, following the date of the
7 last conviction of a violation of Section 23152 or 23153 of this
8 code.

9 (C) The person was not convicted of violating Section 14601,
10 14601.1, 14601.2, 14601.4, or 14601.5 during the driver's license
11 revocation period.

12 (3) The department shall immediately terminate the restriction
13 issued pursuant to this section and shall immediately revoke the
14 privilege to operate a motor vehicle of a person who attempts to
15 remove, bypass, or tamper with the device, who has the device
16 removed prior to the termination date of the restriction, or who
17 fails three or more times to comply with any requirement for the
18 maintenance or calibration of the ignition interlock device. The
19 privilege shall remain revoked for the remaining period of the
20 original revocation and until all reinstatement requirements are
21 met.

22 (d) This section shall become operative on July 1, 2017.

23 ~~SEC. 26.~~

24 *SEC. 29.* No reimbursement is required by this act pursuant
25 to Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.